

Decentralisation Meets Local Complexity

**Local Struggles, State Decentralisation
and Access to Natural Resources in
South Asia and Latin America**

Edited by
Urs Geiser and Stephan Rist

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Volume 4

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Cover photo:

Left: Elections and referendums at local and national levels turned into a key element of current change in Bolivia. Massive participation of indigenous women plays a crucial role in ensuring high levels of participation. (Photo by José Luis Quintana for Agencia Boliviana de Información [ABI]).
Right: Local-level decision making in North-West Pakistan through the customary Council of Elders (*jirga*). (Photo by Urs Geiser)

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Foreword

If you happen to live in a remote rural region or an urban area distant from the centre of the country's political and administrative power, you may have experienced the impact of various forms of centralised governance on your daily life. Depending on how long you have lived there, you may have realised how decision-making has changed over time. It could well be that your community has obtained more decision-making power, something it is most likely to have welcomed enthusiastically. However, this may have also meant that the community now has more duties to perform that were previously handled by external institutions.

Decentralisation is a form of subsidiarity, i.e. the delegation of decision-making power to as low a level as possible; it has become very popular in many contexts in the past two decades, particularly in developing and transition countries, where it has often been introduced as the result of external pressure. Consequently, research into the resulting realities and problems has made decentralisation an object of scientific study. The present book is the result of interest and involvement in the issue of decentralisation. The basic principle of decentralisation is convincingly simple: give – or hand back – decision-making power to people organised at the local level, whatever this may mean for the highly variable ways in which societies in our world are organised. This book takes a thorough look at the complexities and multi-faceted implications of decentralisation.

The two editors, Urs Geiser and Stephan Rist, are both members of an international research network initiated by the NCCR North-South programme in 2001. Each has long experience with research partnerships in a particular region, which they chose as the two focal areas for this book: Latin America and South Asia. These regions are two of the nine “Joint Areas of Case Studies” (JACS), distributed across four continents, where NCCR North-South research is being conducted, based on research partnerships between Swiss and Southern partners. Research in the JACS focuses on sustainable development and involves over 20 disciplines, ranging from the social to the natural sciences. Societal empowerment for mitigating negative impacts of global and local change is a further goal, as well as capacity and institutional development in research and higher education.

From the many research projects carried out within the NCCR North-South programme in Latin America and South Asia, the two editors selected eight

case studies: one from Mexico, one from Argentina, two from Bolivia, one from Pakistan, one from Nepal, and two from India. In each of the studies the respective authors analysed the concrete practice and implications of decentralisation.

The first chapter of the book compares the different case studies, each of which reflects on specific local conditions, by using research questions jointly defined in an interdisciplinary workshop on the theme of decentralisation and global change. These workshops have been an important instrument used by the NCCR North-South to explore the added value of working on transversal themes in a variety of socio-cultural, economic and environmental contexts, based on the necessary breadth of scientific disciplines. This integrative approach allowed the Editors to achieve a level of generalization that would not have been possible otherwise. In addition, three international experts shared the task of reviewing the articles in this volume and ensured further integration, thus helping to overcome the problem encountered in many collections of individual case studies conducted within different temporal and spatial settings, each with their own research questions and methods.

The book shows that the problem with decentralisation programmes is their tendency to follow blueprint procedures, top-down implementation, and standardised application over large areas. At the local level, however, these programmes encounter complex realities – for example existing regulations regarding access to land, forest and water, or ongoing conflicts over resources with numerous stakeholders who have different levels of influence and power. In these situations, the problems purported to be solved by decentralisation are in fact exacerbated.

Hence, one of the most important findings underlined in the comparative chapter is that, while decentralisation aims to overcome simplified views of ‘the local’ held by central governments who live at a distance, in practice the ways in which central governments design and implement decentralisation are too often standardised and too simplistic to respond effectively to local heterogeneity.

On the positive side, the case studies provide evidence that decentralisation can be more than the introduction of “new mechanisms”: it can generate new social arenas in which the different actors involved do not behave according to pre-conceived roles. In the cases of Bolivia, Assam or Nepal,

very basic philosophical notions such as citizenship, the meaning of the state, and the various types of interactions that should govern relationships between local actors, policy makers, NGOs and social movements have been re-invented, so to speak. Even if decentralisation programmes often leave little room for local differentiation, they may nonetheless trigger beneficial societal learning and empowerment.

For the development community, the important lesson learned from the research presented in this volume is thus that, even if one lives in a decentralised environment far away from central power and government, one can still strive for better involvement in political decision-making and active responsibility in one's community. This potential needs to be adequately fostered.

Bern, Switzerland
April 2009

Hans Hurni
Director, NCCR North-South

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Writing texts is one thing; bringing them into the shape of a book is another. Thanks a lot to Anne Zimmermann for managing the whole editing process, Simone Kummer for the layout, Sarah Achermann, Yasmine Willi and Marlène Thibault for the technical editing, Martin Steinmann for the graphics, Simon Pare and Stefan Zach for the English language editing, and Regina Kohler for administration.

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Last but not least, we would like to mention two additional publications that were produced in the context of this endeavour to understand discourses and practices of decentralisation:

Zaidi AS. 2005. *The Political Economy of Decentralisation in Pakistan: Transversal Theme "Decentralisation and Social Movements"*. Working Paper No. 1. Dialogue Series. Bern, Switzerland: NCCR North-South; Islamabad, Pakistan: Sustainable Development Policy Institute; Zurich, Switzerland: Development Study Group, Department of Geography. Downloadable at: <http://www.nccr-pakistan.org/publications.html>

Orozco Ramírez S, García Linera Á, Pablo S. 2006. *"No somos juguete de nadie..." Análisis de la relación de movimientos sociales, recursos naturales, Estado y descentralización.* [English title: "We Are Nobody's Plaything..." Decentralization, Social Movements and Natural Resources. Case Studies from Bolivia.] La Paz, Bolivia: Plural Editores, NCCR North-South, AGRUCO. Downloadable at: <http://www.north-south.unibe.ch/content.php/publication/id/1775>

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Decentralisation Meets Local Complexity

1 **Decentralisation Meets Local Complexity: Conceptual Entry Points, Field-level Findings and Insights Gained**

Urs Geiser¹ and Stephan Rist²

Abstract

This article summarises and discusses eight case studies from Mexico, Argentina, Bolivia, Pakistan, India and Nepal that focus on the everyday realities of decentralisation. It recalls the mainstream arguments favouring decentralisation as a basic human right (i.e. to be able to participate in decision-making) and in a more utilitarian sense (i.e. decentralisation for development). The eight case studies support aspects of the mainstream; however, they also present new insights. To position these insights, the article deconstructs mainstream decentralisation discourses as based on a functionalist ontology, often leading to rather managerial and mechanistic approaches. To contrast such a functionalist position, three critical social science perspectives are introduced: the neo-Marxist view of the hegemonic state (including the notion of subalterns), Scott's simplifying state techniques, and Midgal's state-in-society approach. A reading of the case studies in this context highlights that decentralisation programmes often follow standardised procedures that encounter social, political, economic and ecological local complexities. Dimensions of these complexities are: already ongoing contestations among social groups; conflicting expectations upon, and interpretations of, the meaning of decentralisation; and strategic handling of decentralisation as a resource – highlighting the importance of agency. The article concludes with the proposition that decentralisation is not primarily a managerial challenge (i.e. to introduce improved governance mechanisms), but is inherently political, influenced by interests and agency, and thus contingent. The challenge for researchers and practitioners is to support adequate social processes that allow decentralisation to give local complexities more room, without fuelling local competition over the scarce resources offered by decentralisation.

Keywords: Decentralisation; local complexity; social movements; participation; agency and contingency; natural resource management.

1.1 The issue

Since the last decade of the twentieth century, many countries have pursued new mechanisms to promote more direct citizen engagement in the processes of governance, ranging from the creation of new decentralised institutions, to a wide variety of participatory and consultative processes in national and global policy deliberations. (Gaventa 2002)

Indeed, decentralisation has become an important field of debate for both development practitioners and development researchers. The above quote highlights several core notions constituting this particular field of engagement with development, e.g. ‘citizens’, ‘mechanisms’, ‘governance’, ‘participatory and consultative processes’, ‘policy deliberations’ and last but not least ‘countries’ (or states for that matter).

The notion of ‘decentralisation’ generally refers to a shift in government from rather centralised, state-controlled regimes to more decentred arrangements based on local forms of governance.³ The most common differentiations of the various types of decentralisation include (Manor 2000) *deconcentration or administrative decentralisation* (“the dispersal of agents of higher levels of government into lower-level arenas”), *fiscal decentralisation* (“the downward transfer of decision-making powers over funds to lower levels”) and *devolution or democratic decentralisation* (“the downward transfer of resources and powers [and often, tasks] to lower-level authorities which are in some way democratic”). In practice, different combinations of these three types of decentralisation are often found. In recent years it is especially the idea of ‘devolution’ that has gained momentum. Local (and locally elected) authorities have been enabled to represent local citizens’ needs and concerns, and to demand services from higher levels of administration. Devolution is also seen as an important mechanism for making the management of natural resources more sustainable. By handing over responsibilities regarding access control and use rights (at times based on the legal recognition of existing ‘customary’ rights) in territorial planning and management to local governments, decentralisation aims at finding a better balance between exploitation and conservation of natural resources (Andersson 2003; Larson 2003; Larson and Ribot 2004).

As in many other spheres of the debate about development, the positions on the importance, relevance and effectiveness of decentralisation differ

widely. On the one hand, decentralisation is portrayed as a core ingredient to overcome poverty. Most prominent in this respect is the World Bank, which already some time ago perceived decentralisation as an important complementarity to (economic) globalisation: “Localisation is praised for raising levels of participation and involvement, and providing people with a greater ability to shape the context of their own lives. By leading to decentralised government where more decisions happen at sub national levels, closer to the voters, localisation can result in more responsive and efficient local governance” (World Bank 2000, p iii).⁴

On the other hand, the World Bank is aware of potential difficulties too: “However, when poorly designed, decentralisation can result in overburdened local governments without the resources or the capacity to fulfil their basic responsibilities of providing local infrastructure and services. It can also threaten macroeconomic stability, if local governments, borrowing heavily and spending unwisely, need to be bailed out by the national government” (World Bank 2000, p iii). Others, though, criticise decentralisation more radically. They perceive decentralisation as a new -‘ism’ or dogma of the international development regime which serves as a clever manoeuvre to reduce the role of the state, externalise social and ecological costs or facilitate the implementation of an extractive ‘economy of enclave’ in Southern countries for the exploitation of natural resources such as oil, gas, minerals, timber or water (Orozco et al 2006).

This often polarised debate reminds us of the famous dichotomy sketched by Robert Chambers long ago, when he characterised development discourses as entangled between “two cultures” (Chambers 1983, pp 29f.), the *negative academics* and the *positive practitioners*. With this edited volume, we aim to go beyond dichotomisation, by presenting a differentiated reading of the intentions as well as the actual experiences of endeavours that are described as decentralisation. This volume brings together empirical insights from actual practices of decentralisation in South Asia (Pakistan, India, Nepal) and Latin America (Mexico, Bolivia, Argentina) to substantiate, challenge and raise new questions regarding approaches and positions in debates on decentralisation.⁵ These case studies not only help us to illustrate the many forms decentralisation can take, but they also invite us to engage in critical reflection on what ‘decentralisation’ – as a societal practice – is meant to be and how it is experienced by various stakeholders. This reflection necessitates a careful discussion of the core notions that constitute decentralisation and the normative expectations related to it.

Our critical discussion on decentralisation, however, does not prevent us from taking the efforts by practitioners of development (the “operational personnel”, SDC 2007a, p 2) seriously and examining them with academic interest. In section 1.2, we therefore recall the main arguments used in favour of decentralisation, as well as the challenges mentioned by practitioners. In section 1.3, we provide brief summaries of the eight case studies that are brought together in this volume. These case studies show, in a variety of ways, the various forms decentralisation can take, as well as the complexities decentralisation encounters.

Inspired by the findings of the case studies, section 1.4 embarks on a critical reflection on the core notions and concepts that constitute the mainstream discourse of decentralisation, using the methodology of deconstruction. This refers to an attempt to understand and critically review the notions, concepts and beliefs (ontology) that underpin ongoing mainstream discussions on decentralisation – ‘beliefs’ because core notions that underpin these discussions are often taken for granted. A central assumption is the notion of ‘the state’, and linked to that ‘citizens’, with ‘governance’ as the activity that connects the two. Closely interwoven with the notions of ‘state’ and ‘citizens’ are fundamental questions about their respective roles in defining ‘development’, and the inherent relationship between human actors and their ‘natural environment’. The focus on decentralisation at the local level also calls for attention. Although it is clear that the local level is at the core of the debate, it is also true that the bulk of decentralisation models currently in place are rather top-down initiatives taken by the international development community together with (central) governments. The critical reflection in section 1.4 also interlinks the specific notion of decentralisation with recent scholarly findings on state–people–society relations.

Finally, section 1.5 brings together what we consider the main insights emerging from the case studies presented in this volume, based on a set of new questions that attempt to position the mainstream discourse and practice of decentralisation in a broader understanding of societal processes, and to reconstruct its meanings in a broader political context. As a normative point of departure for this discussion, we refer back to the key notion that underlies the argument for decentralisation, i.e. that all people are to have the capabilities for a good, meaningful and secure life (cf. e.g. Sen 1999). These capabilities include the right to participate in decision-making processes that concern the lives and livelihoods of people. The leading question, then, is not whether decentralisation is good or bad, but under which conditions it contributes to or even hinders the realisation of such fundamental rights.

1.2 Mainstream views on decentralisation

The idea to involve common people in decision-making processes that relate their lives to the construction and shaping of the public sphere through administration or ‘governance’ is not new; it has precedents in colonial as well as early postcolonial times (for South Asia see e.g. Corbridge et al 2005, for Latin America see Wachtel 1977 and Korovkin 2001).⁶

Within dominant development discourses, however, ‘people’s participation’ received a new impetus from the 1980s onwards. ‘Projects’ being a central arrangement to practise development, ‘participatory’ endeavours started to boom worldwide within regionally and temporally confined project designs. Major fields of application were (integrated) rural development projects and specifically projects related to natural resource use. Under the notion of CBNRM (community-based natural resource management), attempts were made to organise local people around CBOs (community-based organisations), i.e. groups striving for community-based arrangements of accessing, controlling and sharing benefits from ‘commons’ such as forests, pastures or water (e.g. Poffenberger and McGean 1996). Many of these schemes were related to the interest in the local governance of common goods and services that re-emerged with the growing popularity of New Institutional Economics (e.g. Ostrom 1990; Anderies et al 2003).

By the second half of the 1990s, there was a gradual shift from project-level interventions towards a broadening of participatory processes as part of state-level initiatives (partly through ‘scaling-up’), to include political decision-making at large. As Ribot (2002, p 5) remarks (see also Brown et al 2002; Gaventa 2002, p 3): “Democratic decentralisation reforms present the opportunity to move from a project-based approach toward legally institutionalised popular participation. [This constitutes] a shift from externally orchestrated direct forms of democratic inclusion to representative forms of democracy under elected local authorities.”

This coincided with wider debates within development circles on the effectiveness of the state. The growing disenchantment with development, due to the non-achievement of development goals, was causally related to weaknesses of the state – the inefficiency of ‘service delivery’, at times corruption and social unrest, and the related crisis of state legitimacy in the eyes of its ‘citizens’. A growing (Washington) consensus emerged that there was a need to restructure the (central) state from being a key player in development

to becoming a provider of ‘enabling conditions’. *Good governance* became a key notion, in which “citizens can have a more active role” (Gaventa 2002, p 3), and which should “increase legitimacy [of the state] in view of its citizens” (SDC 2008, p 1). We will critically re-visit all these notions below.

There are many definitions of good governance. Many, though, include the demand for decentralisation, linking the latter with other demands for state reform such as democratisation, participatory development, accountability of public servants, professionalism (Corbridge 2008, p 116), as well as transparency, non-discrimination and efficiency (SDC 2007a). Good governance, however, continues to be based on the broad consensus among development circles that “the state plays a key role in determining the rules of the game, enforcing those rules, and in making its resources available to the entire population” (SDC 2007a, p 4).

The need for interventions towards decentralisation – as a component of good governance – is generally justified on two grounds, (i) because being an active and fully recognised citizen is a basic human right, and (ii) as a precondition for development. The rights-based approach “implies the idea of responsible citizens with rights and obligations as well as the idea of a state with obligations regarding respect, protection, and the realisation of its citizens’ rights” (SDC 2007a, p 8). In a more utilitarian sense, decentralisation is expected to foster development more successfully than it was the case when the central state was in control. Manor (2000) puts this idea into a nutshell:

Decentralisation enhances the uptake on and thus the impact of health, education and environmental programmes. It does so partly by making it possible to adapt such programmes to local conditions and preferences. It also provides a framework that facilitates ‘scaling up’ – that is, replicating developmental successes from one local arena in many others. It has only limited utility in alleviating poverty (in many but not all contexts), and in promoting economic growth and mobilising local financial resources. But by opening the policy and political processes to ordinary people, it can do much to enhance their well being and to make their livelihoods and development more sustainable.

Other arguments in favour of decentralisation include (e.g. SDC 2001; Ribot 2002; SDC 2008) proximity to local needs (needs-based utilisation of public resources); linking with local knowledge, institutions and organisations; increased opportunities for accountability; improved service delivery; etc. Decentralisation figures prominently in the development programmes of many national governments and in the agendas of bi- and multilateral donors. An array of measures are taken in this regard, e.g. providing legal frameworks for decentralisation (including the clarification of responsibilities at different politico-administrative levels), building political structures, providing knowledge or supporting sectorial project implementation through decentralised structures.

‘Decentralisation’ having been a laboratory of developmental experiments (in situ) for a number of years now, an important debate has emerged on questions of ‘best practices’, and thus on factors that ensure the success of well-intended interventions towards decentralisation. As this ‘capitalisation of experience’ is a major contemporary concern of many donors, we will give some space to the arguments produced in this context. We indeed feel that they bring together many of the points experienced by development practitioners, and thus form important components of the ongoing mainstream discourse. Any critical analysis such as the one we attempt in this volume needs to engage with these arguments.

We refer to the study by Ribot (2002), which is based on an analysis of decentralisation-related projects from around the globe. This capitalisation of insights leads Ribot to postulate nine “principles for effective decentralisation” (2002, pp 3f.):

- 1) Work with local democratic institutions:** “Governments, donors, and NGOs can foster local accountability by (1) choosing to work with and build on elected local governments where they exist [instead of working through project-based groups], (2) insisting on and encouraging their creation elsewhere, (3) encouraging electoral processes that admit independent candidates (since most do not), and (4) applying multiple accountability measures to *all* institutions making public decisions.”
- 2) Transfer of sufficient and appropriate powers:** This includes executive (decision-making and implementation), legislative (rule-making) and judiciary (dispute-resolution) powers. These powers need to be clearly defined, and guidelines “are needed to assure an effective separation and balance of executive, legislative, and judiciary powers in the local arena”.

- 3) Transfer of powers as secure rights:** “To encourage local institutions and people to invest in new arrangements (...), governments should use secure means to transfer powers to local authorities. Secure transfers can create the space for local people to engage their representatives as citizens.”
- 4) Support equity and justice:** For effective decentralisation, central governments remain important “for redressing inequities and preventing elite capture of public decision-making processes. Central government also must establish the enabling legal environment for organizing, representation, rights, and recourse so that local people can demand government responsibility, equity, and justice for themselves.” Central governments should also ensure “pro-poor, pro-minority action”.
- 5) Establishing minimum environmental standards:** This point refers to decentralisation related to natural resource use. A key argument produced by central authorities resisting decentralisation is the fear of resource overexploitation by local people. This concern has to be taken seriously, as there “is no reason to expect that local authorities will not convert natural wealth into financial wealth, especially where cash is in short supply and is viewed as more valuable than standing forests” (Ribot 2002, p 9). Central governments have to establish parameters within which management by local authorities can take place.⁷
- 6) Establish fair and accessible adjudication:** The re-definition of the ‘rules of the game’ calls for parallel developments in the field of rule enforcement: “Governments should establish accessible independent courts, channels of appeal outside of the government agencies involved (...), and local dispute resolution mechanisms.”
- 7) Support local civic education:** Re-defined rules and enforcement mechanisms need to be known: “Governments, donors, and NGOs can inform people of their rights, write laws in clear and accessible language, and translate legal texts into local languages to encourage popular engagement and local government responsibility. (...) Educating local authorities of their rights and responsibilities can also foster responsible local governance.”

8) Give decentralisation time: All too often, experiments of decentralisation are not allowed to continue until they may be assessed based on their actual performance – changing the rules of the game takes time.

9) Develop indicators for monitoring & evaluating decentralisation and its outcomes: Decentralisation processes need to be accompanied by research in order to provide evidence-based feedback on enabling and hindering factors.

These nine points listed by Ribot are supported by many other capitalising endeavours (e.g. Bergh 2004). Read differently, these propositions also carry potential risks. In case the above conditions of success are not met, decentralisation is prone to failure. Indeed, many studies emerging from mainstream development circles point out such failures. Issues raised include lack of efficiency, corruption, elite capture or weak local capacity (Bergh 2004, pp 781f.), lack of political will at the centre (SDC 2001, p 10), risk of fiscal equalisation inasmuch as poorer regions might lose out, lack of long-term commitment of donors and their aid harmonisation (SDC 2007b, p 18), etc. At times, hints are also given as to the role of power: “Decentralisation projects have in most cases political implications for they change the current power structure and can encounter explicit or hidden resistance from these political forces who fear the loss of their power through decentralisation” (SDC 2001, p 4). The need for decentralisation, however, is not questioned. Usually, failures are not seen as a consequence of the whole concept and its underpinnings as such, but rather as implementation difficulties: “[Earlier] decentralisation failed mainly because it did not decentralise enough. It was not sufficiently participatory and it lacked accountability towards local civil society” (SDC 2007b, p 3; see also Ribot 2002, p 7).

A broader reading of decentralisation as a domain of good governance further highlights the preconditions under which good governance really has a chance to function. In this regard, Grindle (2007) showed that although good governance seems to be a fairly concrete issue, in reality it refers to changing virtually all aspects of the public sector and that “the adoption of the good governance paradigm implies a very wide range of institutional preconditions for economic and political development and for poverty to be significantly reduced” (Grindle 2007, p 553).

Following this review of mainstream discussions related to the opportunities and potential pitfalls of decentralisation, we now move on to the insights

gained through the eight case studies presented in this edited volume. These studies are briefly summarised below in order to launch a discussion as to how far they confirm (or reject) some of the points regarding opportunities and risks detailed above, and how far they direct our attention to new issues and questions that need to be taken into account.

1.3 Eight case studies

In this section, the eight case studies (Figure 1) are summarised, while their findings are presented in detail in the following chapters of this volume. We start with Latin America.

Cherryl André de la Porte, Luis Manuel Martínez R. and Peter R.W. Gerritsen ask whether decentralisation helped to secure more sustainable management of drinking water in an urban area of a municipality in **Mexico**. Through broad decentralisation regulations adopted in 1983, Mexican municipalities were entrusted with looking after drinking water and sanitation, while the respective funding remained under the control of higher administrative levels. Municipalities collected water users' fees, but these had to be sent to the state level, then returning to the municipalities' general coffer rather than the water sector from where they stemmed. Besides, deci-

Fig. 1
Locations of the
eight case studies.



sion-making regarding water services was part of the municipalities' general local governance procedures, and was usually controlled by the political party in power. In the authors' case study locality (the municipality of El Grullo), however, things developed differently. Here, the municipality was able (after such demands had been voiced by concerned citizens' circles) to create a separate body to take care of drinking water and sanitation, the Water and Sanitation Board, which is entitled to directly use the collected fees without sending them to the general coffer. This Board initiated a horizontal institutional network encompassing adjacent municipalities, in order to coordinate water-related works. However, as fees are low, the Board's financial viability is threatened, resulting in poor operation and maintenance of the infrastructure. The researchers argue that a broader involvement of the water users and other important stakeholders would help the Board to devise a more sustainable financing strategy, but that this is not done partly because of populist measures taken by politicians at higher levels. The authors, though, see signs of the basis of decision-making processes being broadened in the related subject area of watershed management, so crucial for securing water supplies. Here, non-state actors, in this case primarily a local university, started to act as mediators to bring together a range of stakeholders that should have a say in watershed-related policy processes (including El Grullo's Water and Sanitation Board). Though tangible outcomes are yet to be produced, the process of stakeholder involvement attracted wide attention throughout Mexico and even received a special national award. Interestingly, though local governance bodies are still reluctant to engage in broadly based and more participatory decision-making – as the case study illustrates – such decision-making is supported by recent legislation passed by the central state. The 2004 Law on National Waters explicitly mentions the need for social participation, thus leading to an (unintended) alliance between central state and (local) civil society. In conclusion, the capacity of both the municipality and civil society to develop new institutions is attributed by the researchers to “local political will, largely supported by citizens”.

Cecilia Cross and **Ada Freytes Frey** zoom further into the everyday practice of “decentralisation in the making” (Cross and Freytes Frey 2009). In **Argentina's** capital city of Buenos Aires, waste management is the task of a public enterprise called CEAMSE (Coordinación Ecológica Área Metropolitana Sociedad del Estado), which was created in 1977 as a centralised authority by the then military regime. CEAMSE was to replace the large informal economy of waste collection and treatment which provided a large number of poor families with a subsistence livelihood. However, sup-

ported by local and foreign non-governmental organisations (NGOs), these *cartoneras* (people collecting waste from streets) and *quemeros* (people collecting waste and burning it in special plants) resisted, and even grew in number, often leading to conflicts with the authorities. In recent years, the wave of the decentralisation discourse has reached Argentina as well. In late 2004, the provincial government of Buenos Aires announced a new policy called *Sin Desperdicio* ('without wasting') with the aim of decentralising the waste economy. A cornerstone of the programme was the establishment of plants where waste could be treated, classified and prepared for further recycling and marketing. These plants were to be run by social organisations themselves (they were therefore called 'social plants'), technically supervised and advised by CEAMSE. Cross and Freytes Frey had the opportunity to accompany the planning process for one such plant as this new policy was being put into practice. Through this action research, they gained in-depth knowledge on the actors involved, their specific interests, the logic that structured their approaches towards, and activities within, the planning process.

In their dense description, the authors illustrate first of all the variety of actors involved, ranging from the provincial government to the municipalities, CEAMSE, a whole array of NGOs and social movements, as well as 'actors in the making', i.e. groups that are gradually being shaped as they are involved in the ongoing negotiations (Cross and Freytes Frey 2009). Each of these social entities has rather different expectations regarding the outcome of the negotiations. For example, the provincial government hopes to resolve the conflicts between the authorities and the (informal) *cartoneras* and *quemeros*, while some politicians within this government try to gain political benefit (for example by scheduling important decisions to coincide with electoral processes). The 'social movements', on the other hand, are characterised by a low degree of formalisation, which hinders their capacities for participation in the negotiation processes. In addition, some of the leaders feel under pressure to produce positive outcomes in order to improve their legitimacy vis-à-vis their 'clientele'. In addition, "poor people join social movements in order to satisfy their basic needs" (Cross and Freytes Frey 2009). In conclusion, Cross and Freytes Frey argue that "incorporating new actors implies the multiplication of logics and interaction levels". This means that outcomes are not only influenced by the multitude of stakes in play, but also by these interaction levels and often by specific procedures as well. In their case study, negotiation is characterised by multitudes, non-coordination and ad-hocism – a reality in which less organised groups are 'caught in crossfire' as they are not equipped with the necessary bargaining skills, and often lacking the time to handle new situations.

Others, though, are skilled indeed to take the opportunities offered by decentralisation. **Fernando Antezana** and **Manuel de la Fuente** take us to such a context in **Bolivia**. They highlight the fact that decentralisation offers opportunities and thus resembles a resource to be accessed. The authors describe, on the one hand, the measures taken by the state to allow for greater decentralisation and analyse, on the other hand, ‘local complexities’ – complexities that encouraged some groups to access decentralised bodies as an important strategic means. As regards greater decentralisation: For a very long time, the state of Bolivia has been controlled by elites consisting of whites and mestizos (descendants of the colonial settlers) who kept the indigenous population (being the majority) at bay. As social unrest increased in the 1990s, the government introduced the Popular Participation Law in 1994, including precise stipulations for new mechanisms of citizen–state interaction and thereby differing from legislation in other Latin American countries. This law allows for the direct election of municipal authorities, allocates around 20% of the state budget to these authorities for developmental purposes, and permits the collection of municipalities’ own taxes. As a consequence, the municipalities now not only included the urban centres, but were extended to include the rural hinterlands as well. Finally, local groups got the opportunity to register as ‘grassroots territorial organisations’, thus gaining access to developmental schemes (they can propose and implement such schemes); but even more important was the fact that local people were given the responsibility to organise – according to their own customs – so-called ‘Municipal Oversight Committees’, which have to check and formally approve the development plans submitted by the elected municipal authorities. The 1999 Law of Municipalities strengthened these groups by making participatory planning compulsory. The authors argue that the government in power expected this law to pacify the growing civil unrest while hoping to broaden the ruling party’s influence at the grassroots level.

However, things turned out very differently. To illustrate this process, Antezana and de la Fuente recall Bolivian history as being characterised by ‘racism’ – the minority of whites and mestizos dominated the majority, which was formed by a very heterogeneous array of indigenous groupings. Domination was exercised not only politically but also economically, with influential families taking over communal lands or private-sector enterprises being favoured to extract natural resources. Indigenous awareness, though, started to grow as a result of various factors (e.g. legislation for land reforms, a growing number of NGOs, etc.), leading to the creation of a range of local movements (see also Bottazzi 2009). In addition, international dis-

courses came to favour not only decentralisation, but the rights of ‘indigenous people’ as well. In the first municipal elections in 1995 (following the introduction of the Popular Participation Law in 1994), indigenous groups did not gain much influence. This, however, changed when they won several municipalities in the 1999 elections and emerged as the major political force in the municipal elections of 2004, which paved the way for their leader Evo Morales to become Bolivia’s first indigenous president in 2005.

How was this possible? On the basis of an analysis of ten municipalities in rural areas of the Bolivian highlands, Antezana and de la Fuente propose two key explanations: (i) the capacity of indigenous groups to strengthen their organisations and put them on a broad basis, and (ii) their strategic use of the 1994 Law of Municipalities. The authors argue that, in contrast to traditional political parties, which are controlled by a few influential leaders, opinion-building, internal organisation and control of indigenous groups are more democratic in that they are being influenced by traditional patterns of social interaction that is based on deliberation until consensus is achieved. Accordingly, the groups are able to mobilise a huge following that not only goes to vote, but is also willing to take extra-legal measures to press for demands (such as road blocking, etc.). Perceiving the 1994 law as an opportunity, indigenous groups strategically direct their participation in municipal elections to take local or regional power constellations into account. While they enter into alliances with some other groups in some places, they do not do so in others. And above all, they started to nominate their own candidates, giving further confidence to the indigenous population. Though indigenous groups have gained enormous political influence in a rather short period of time, the authors are still sceptical regarding developmental outcomes. They point out that the effectiveness of municipalities in delivering results has not increased, but that conflicts concerning the allocation of public funds are emerging among the heterogeneous indigenous groups – questions that would justify further detailed analysis.

In conclusion, Antezana and de la Fuente argue that although the main goal of the 1994 laws regarding municipalities and popular participation had been to integrate the traditional autonomous forms of organisation into the public administration and thereby to put it under stronger state control, things eventually seemed to turn out in the opposite way: Instead of the gap between neo-liberal state and indigenous organisations being closed, the latter – strengthened by strategically integrating the local governments as a new powerful and even ‘official’ platform for fostering resistance against

policies imposed by the central state – democratically took over power at the central and, in part, regional levels. In this way, decentralisation unintentionally made a significant contribution to bringing to power the social and popular movements which now are engaged in radically re-shaping the relationships between state, citizen and indigenous community, clearly going beyond classical state–citizen dichotomies. As a matter of fact, the recent events in Bolivia seem to prove that the authors are right.

Patrick Bottazzi digs even deeper into the **Bolivian** experience, highlighting not only local complexities, but also the heterogeneous nature of the state decentralisation efforts. Examining the Amazon lowlands of Bolivia, he details the relationships between (at least) three initiatives for increasing the scope for local participation: (i) the granting of considerable rights to indigenous forms of governance, (ii) efforts to bring about participatory approaches in nature protection, and (iii) the system of municipalities (as analysed by Antezana and de la Fuente; see above). Increasing awareness of the rights of indigenous people and support by various forms of foreign organisations (church missionaries, NGOs, etc.) led to the emergence of formalised indigenous groups (here of the Tsimane'). Taking up issues such as access to land or the presence of timber companies, they started calling and agitating for more and substantial control over their territories. Based on a complex interwoven process of events including similar demands in other localities, the Bolivian state agreed to the creation of the status of *Tierra Comunitaria de Origen* (Communal Land of Origin). This status was granted to the Tsimane' in 1990. In a separate development within environmental discourses, the protection of forests, too, gave rise to more local control. With reference to international developments, large extents of forests were declared as 'Man and Biosphere Reserves' (MAB) under this global scheme of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), including forests that were inhabited by Tsimane' as well as many other indigenous groups. However, in spite of the area having been declared protected, settlers from the Andes arrived, leading to uneasiness and resistance from the local people. To mitigate tensions, the state invented the category of 'National Park and Indigenous Territory'. However, the task of managing the MAB was given to an international NGO. As tensions emerged between settlers and indigenous people on one side, and international agencies on the other, the state provided local organisations with further powers. These bodies and functions, though, were poorly coordinated with the political forms of control of the *Tierra Comunitaria de Origen*.

To complicate things further, the formal process of state decentralisation through municipalities enters the scene. As already explained by Antezana and de la Fuente (cf. above), municipalities were now to include their hinterland, and thus all the rural terrain, as well. Again, new forms of governance organisations were introduced, thereby reproducing – at least initially – the traditional power structures. Interestingly, municipalities obtained control over the category of ‘public forests’, and were requested to establish participatory management committees – separate from other institutional arrangements that were introduced in largely the same geographical space. All this led to “the establishment of different management mechanisms (...) parallel to political decentralisation” (Bottazzi 2009).

In his article, Bottazzi details all the organisations at the local, regional, national and international levels that were in one way or another involved in these processes of “proliferation of political decision-making”, leading to “institutional inflation” through a process he calls ‘institutional segregation’ (Bottazzi 2009). However, this institutional inflation was not able to overcome the power asymmetries inherently present in the ‘institutional segregation’, thus leading to complex problems of legitimacy (e.g. which arrangements should be adopted, which ones should be privileged, etc.). Although indigenous institutions were created and recognised, underlying differences regarding skills or resources available prevented municipal structures from solving the problems of native indigenous people being excluded; as an unintended consequence, practices and spaces for illegal utilisation of forests multiplied.

The article ends with a discussion of the tension between the legitimate call of indigenous groups for more self-control and the implicit risk of ‘proliferation of decision-making’, which leads to competition among social groups over resources. Thus, Bottazzi argues for more coherence in political organisation, favouring the municipal system – as it is linked to the formal norms of the overarching state, and is not linked, in principle, to the risks of ‘ethnic segmentation’ (we will see a similar argument emerging in the Kerala study below).

With the study by **Bishnu Raj Upreti**, we remain with nature protection, but now move to South Asia. He analyses the discourse and practice of participatory nature conservation in **Nepal**, by closely analysing the Koshi Tappu Wildlife Reserve (KTWR) in the country’s Eastern Terai. Upreti shows that present difficulties in implementing participatory nature conservation can

not be understood without paying close attention to historical developments. He recalls the 1972 National Park and Wildlife Conservation Act, which was based on Western models of that time emphasising strict nature protection. The Koshi Tappu reserve was established in 1976, leading to the shifting (actually the displacement) of indigenous groups from the newly declared park area. These groups came under additional pressure due to the in-migration of many families from Nepal's hill region under a state-sponsored internal colonisation scheme. Competition arose specifically with regard to access to land and water, and the indigenous population's attempts to reclaim lost grounds within the park were severely punished by the authorities. In essence, Upreti describes this situation (referring to the analytical concept of legal pluralism) as a conflict between customary rights of resource access and newly introduced state regulations.

It was only with the introduction of parliamentary democracy in 1990 and the strengthening of local governments (in Nepal called Village Development Committees, VDCs) that participatory discourses started to influence thinking about nature protection as well. One expression of this shift in attitude was the introduction, around 1994, of legislation to permit the creation of buffer zones around parks that were to be managed through participatory procedures. From the perspective of state officials, this new approach was to highlight the need for alternative livelihood options for indigenous groups, thus reducing their dependence on the park area. For this purpose, people were organised into community or user groups. The indigenous people's expectations regarding the programme, however, were to reassert at least to some extent their customary rights for grazing, fishing, collection of grasses, or even using parts of the park for cultural rites such as funerals. As a matter of fact, conflicts continued especially concerning these resource uses, and Upreti cites a number of incidents where park authorities drastically refused people's (illegal) practising of claims (e.g. killing buffaloes that grazed inside the park). Such incidents led to a worsening of state–people relations, and many indigenous people (who gradually started organising themselves as a result of the spreading discourse of indigeneness) came to look towards the Maoist insurgency for a vision of a better future.

In conclusion, Upreti proposes that the move towards more participatory and decentralised procedures in nature conservation is a highly welcome one. However, its implementation did not take up the core concerns of indigenous groups that suffered most from the establishment of the park. Although the formation of community groups under the buffer zone programme is an

important step, “such initiatives shift or dilute the fundamental causes of tension by diverting people’s concerns (e.g. organising groups for kitchen gardening instead of mobilising them to assert their indigenous and customary rights)” (Upreti 2009).

Similar discrepancies are observed by **Babar Shahbaz** and **Tanvir Ali** in their analysis of decentralisation in **Pakistan**’s forestry sector, e.g. the discrepancy between official declarations at the policy level and the experience of actual ‘decentralised’ forest management on the ground. To start with, Shahbaz and Ali share the policy-makers’ realisation that “decentralisation is unavoidable” (Shahbaz and Ali 2009). Until recently, forest management by the state was still characterised by colonial rules, regulations and top-down attitudes. As a matter of fact, the country’s forest laws had changed little since they were first written by the colonial powers. As to the forests in the North-West Frontier Province (it is here where a major part of Pakistan’s forestland is located), the state has proprietary rights to most of them that severely limit local use rights as the state’s focus is on forest protection and the punishment of ‘misuse’. The very high deforestation rate is evidence enough to show that the colonial, top-down attitude of the Forest Department has completely failed, and that indeed “decentralisation is unavoidable”. The question, then, is how decentralisation is approached. Shahbaz and Ali show that initially, some experiments with participation were undertaken in the context of donor-supported rural development programmes. However, it was with the massive Forest Sector Project (FSP) launched in 1996 that these isolated measures were to be formalised and mainstreamed through a complete reorganisation of the Forest Department. The driving force behind the FSP was the Asian Development Bank (ADB), calling for reforms through (i) changes in the legal framework (i.e. to promulgate new, participation-oriented policy, laws and related regulations), (ii) the reorganisation of the Forest Department and (iii) the introduction of the Joint Forest Management approach as a tool to interlink the demands of local people and the state with regard to forests. Subsequently, Joint Forest Management Committees (JFMCs) were introduced in pilot areas, to be expanded to the whole province later on. In their study, Shahbaz and Ali carefully analyse the ground reality of creating and operating JFMCs. JFMCs – sometimes called Village Development Committees (VDCs) – were intended both to address local people’s livelihood concerns and to introduce more sustainable forest use practices. The democratically elected VDCs were thus to prepare Village Development Plans, proposing appropriate measures to improve economic conditions and forest use. In reality, though, hardly any concrete development

measures materialised. Moreover, Women's Organisations (intended to represent the interests of women, who, under the prevailing social norms, are not allowed to join male VDCs) may indeed exist, but they exist on paper only.

Searching for explanations, the authors propose several interlinked core issues. The first has to do with the basic reading and interpretation of the FSP. While those villagers who took part in the programme emphasised its developmental component – this being of central importance for them – the Forest Department staff accorded priority to forest protection. Second, VDCs did not represent economically weaker sections but were controlled by the more influential local elite – Shahbaz and Ali remind us of the very heterogeneous and socially stratified nature of Pakistani villages. Third, the analysis showed that it is not the villagers that are responsible for the high deforestation rate, but a network of timber traders, some forest officials and local leaders – the 'Timber Mafia' – that benefits from the very high prices paid for timber in Pakistan. Many local people suspect the forest officials of being linked to the 'Timber Mafia', while now having to advocate JFM. Thus, Shahbaz and Ali identify the lack of trust as a core issue blocking participatory forest management. This is further aggravated by the fact that the state's forest laws – including the new ones emerging from the FSP – do not consider at all customary rules and procedures governing access to forests. In the light of the deep mistrust between forest officials and local forest users, and because they are backed up by a strong local tribal decision-making process (*jirga*), customary laws continue to structure local practices, though declared illegal by the state. In conclusion, the authors reiterate that decentralisation is an interesting avenue, but that the rather mechanical application of the global concept of JFM will not work without considering local complexities: "The difficulty is that one has to deal with both formal legal instruments and informal rules (customary practices, etc.), where unequal power relations and social conflicts are quite common" (Shahbaz and Ali 2009).

Within South Asia, we move from the North-West frontier to the North-East frontier: to the district of Karbi Anglong in the state of **Assam**, India. **Sanjay Barbora** asks the challenging question why demands for greater autonomy continue to be raised in a context where a considerable degree of decentralisation has already been implemented. The North-East of India is populated by a huge spectrum of ethnic groups, and Barbora recalls that already in the first years after independence in 1947, the Indian state introduced specific institutional provisions for indigenous ethnic groups, by creating 'Autonomous Councils' with a considerable degree of judicial, legislative and execu-

tive powers. This includes control over parts of forests, and thus crucial land resources. Under these provisions, Karbi Anglong became an Autonomous District Council in 1951. In 1986, though, a non-violent movement emerged that demanded further control and the creation of an autonomous *Karbi* state. This movement split in the early 1990s. One section favoured a non-violent struggle for a non-ethnic, broadly based concept of self-governance. The other section, however, took up arms and organised around strictly ethnic claims in order to “struggle to occupy the traditional lands of the *Karbi* and restore rule by traditional indigenous leaders” (Barbora 2009). Key targets of their armed attacks were settlers that migrated to the area from other regions of India and, increasingly, other local ethnic groups or tribes – all of them considered as encroachers upon the *Karbi* ‘homeland’. This led to the formation of competing tribal militias as well as interventions by the Indian army that have brought about widespread bloodshed, destruction of property, as well as more anger and new violence.

In his attempt to understand this tragedy, Sanjay Barbora focuses on the importance of land and of control over land. His analysis shows at least three layers of often competing regimes of granting access to forests (and thus land) by granting settlement permits. The Executive Committee of the Autonomous District Council gives preference to scheduled tribes⁸ from the area, as well as from adjacent regions. However, Barbora observes that political favouritism is widespread. In the more hilly regions, traditional Village Chiefs continue to play a crucial role in allocating land for settlement. They favour land distribution to their ethnic (sub)groups to the detriment of ‘others’: other tribes, immigrant settlers, etc. Even at this level, Barbora observes favouritism in providing tenure rights. Last but not least, the Indian state continues to exercise considerable control over the (decentralised) Autonomous District Councils: “These provisions [of autonomy] bestow enormous legal powers on the council, but it does not necessarily mean that the council is able to exercise all these powers” (Barbora 2009). The Governor of the state of Assam has considerable control over the Council, and the executive affairs of the Council are implemented by regular state bureaucrats. In summary, we find a highly contested social arena in which access to land seems central, with this access being contested on the basis of ideologies of ethnicity, homelands and inherited rights.

But Sanjay Barbora goes a step further in his reading of the highly conflictive and militarised reality of India’s North-East. He suggests that the inability of the modern Indian nation-state to secure people’s access to land and to

prevent the escalation of violence and suffering has led to an outright disenchantment with the idea of citizenship: people do not perceive themselves as being equal members (citizens) in accordance with the idea of the democratic nation-state. As a consequence – so Barbora’s argument goes – they perceive the provision of the Autonomous Council as political or ‘constitutional engineering’ to grasp control over natural resources and specifically land. As a response, societal orientation and ties are looked for in the ethnic, communal sphere – what Barbora calls “peoplehood”.

Competing notions of local representation held by state and non-state groups are also the subject of the study by **R. Ramakumar** and **K.N. Nair**. They address decentralisation as experienced in the Indian state of **Kerala**. Though they have existed in different shapes for a long time, local bodies have never had real decision-making powers and adequate resources to stimulate decentralised development processes. It was only when a left-wing coalition government came into power in 1996 that such provisions were granted. On the one hand, local bodies (*panchayats*) were to be elected, and they were to be allocated 35–40% of the state’s developmental budget, the major part of it untied, meaning that local bodies were allowed to decide on their own developmental priorities. In order to equip the *panchayats* with skills and capacities for local-level development planning, a huge People’s Plan Campaign was launched. Ramakumar and Nair specifically address the relationship between these elected local bodies (being part and parcel of the modern state system of Kerala) and non-state groups that are involved in local development. As a matter of fact, Kerala has long been home to a large number of non-governmental organisations and social reform movements, many of which played a crucial role in the social and economic history of the state.

Based on case studies in the hilly regions of Kerala, the authors look at the effectiveness of interventions for the provision of drinking water and related to watersheds. Prior to the People’s Plan Campaign, such interventions were an important field of NGO activities. Most NGOs in Kerala were established in response to religious or caste concerns, and continue to have strong affiliations with the respective social groups. In the case study locality of Upputhara, prominent NGOs are related to the Catholic church as well as to specific castes. Prior to decentralisation, they played an important role in carrying out drinking water schemes or even implementing programmes of the Indian central government and the state of Kerala at the village level. Decentralisation caused the implementation of such schemes to shift to the

elected local bodies. Based on their empirical evidence, Ramakumar and Nair argue that scheme implementation has become more transparent. As a matter of fact, decentralisation “‘disturbed’ the social environment in which religious and caste organisations functioned” (Ramakumar and Nair 2009). While scheme beneficiaries were previously selected by a small group of NGO-related persons, and while benefits were accessible to more or less the NGO’s constituency, selection processes became more broadly based, thus more democratic, and benefits became accessible to a wider range of people.

Thus the central argument of this study is: “Democratic planning and governance in large societies marked by social and cultural diversity is too complex and big a task to be left only to social movements or non-governmental groups. In fact, increased democratisation demands a constructive role from civil society actors in bringing people closer to democratically elected bodies” (Ramakumar and Nair 2009). In this reading, decentralisation is not perceived as a tool of “constitutional engineering” (see Barbora 2009), but as a struggle to make the state responsible and accountable – thus to ‘deepen democracy’ (Ramakumar and Nair 2009).

To further substantiate this argument in favour of the central role of a democratically controlled state, the authors refer to another example of caste-based social movements. Within the caste system that dominated Kerala society till the early 20th century, the untouchable Ezhava caste was at the very margin, having restricted access to public spaces or even Hindu temples. A social movement emerged (and was gradually formalised to become an important non-state actor) from within this caste that struggled for Ezhava rights, achieving considerable success in the course of time. However, as certain sections of Ezhavas started to benefit from increased economic opportunities, the caste-based organisation turned into an institution of this new elite, subsequently concentrating on the particular interests of this elite and sidelining or even working against the interests of the majority of Ezhavas that remain poor. Ramakumar and Nair argue with Harriss (2001) that development can take place only within the arena of “contestational politics and of the conflicts of ideas and interests that are an essential part of democracy”, and that decentralisation can be a core instrument in this.

1.4 Contextualising case study insights within critical debates

The eight vivid descriptions above indeed show efforts at expanding the basis of decision-making by involving specific sets of stakeholders, in connection with specific topics and to achieve related social goals as well as elements of (sustainable) management of nature. All examples are inspired by the recent global interest in ‘decentralisation’, translated into respective regional, socio-political and ecological contexts.

The case studies also touch upon some of the points raised in mainstream debates on decentralisation (as summarised in Ribot’s nine points). They highlight, among others, the importance of fiscal decentralisation and the differences in implementation. They show the modalities in sharing responsibilities between the state and ‘citizens’ with regard to selected topics, and the processes of negotiating these arrangements. Beyond this, they bring to our attention many challenges that are being faced in the various case study localities. Some of these challenges, too, relate to mainstream debates, such as elite capture of weak local capacities.

However, many of the details given in the case studies go beyond what we described in section 1.2. Central among an array of new insights is the tension between ‘the state’ and ‘the local’, as well as, related to this, the heterogeneity and complexity of ‘the local’. As a matter of fact, we have so far used notions such as *state*, *citizens*, *governance*, *participation* and *nature* in a rather general way, understood as pre-given and ‘quasi-objective’ categories through which both development discourse and practice are elaborated and organised. To recall the initial quote by Gaventa (2002), this refers mainly to “new mechanisms to promote more direct citizen engagement in the processes of governance, ranging from the creation of new decentralised institutions, to a wide variety of participatory and consultative processes (...)”. Thus, mainstream debates on decentralisation, including critical thoughts about implementation difficulties, centre on the further refinement of *mechanisms* to improve citizens’ engagement, and *governance* processes, and on further strengthening *decentralised institutions*. Many recent documents by government agencies or donors treat the subject in this rather managerial and technocratic language based on categories that are taken for granted.

The case studies, however, highlight the ‘non-mechanistic’ side of decentralisation: struggles over competences between *state* and local groups, among

citizens, and over the meaning of *participation*. Can we learn more from this everyday reality of decentralisation and the intended as well as unintended consequences of related interventions, when we pause for a moment and reflect on the language of decentralisation – and thus the assumed ‘realities’ – so much taken for granted?

For this reflection, though, we need to equip ourselves first with adequate analytical and theoretical concepts that go beyond the mainstream, in order to deal with themes that critically question mainstream underpinnings of the decentralisation discourse. In a first step, therefore, we show that the mainstream perception of decentralisation is embedded in a *structural-functional* conceptualisation of society. In a second step, we then discuss four theoretical propositions that go beyond this functionalist ontology, i.e. (i) *resistance*, (ii) *simplifying state techniques*, (iii) *state-in-society* and, related to this, (iv) *society–nature relationships*. Having equipped ourselves with conceptual notions and thoughts from these recent theoretical debates, we will then re-visit the case studies’ insights into the interface between decentralisation and local complexities.

1.4.1 Structural-functional assumptions of state–citizen relations

We first concentrate on the very core of the decentralisation argument that concerns the *state* and its relations to *citizens*, or society in general. After all, decentralisation can not be thought of as independent of the state: It refers to a change of the relationship between a (central) state and its related groups making up ‘society’ – the central state should delegate more powers to the local level and thus to citizens; local-level authorities then have the function of advancing citizens’ concerns. In this core notion, the state is perceived of as having clear functions *towards* society, such as safeguarding the territory of the nation, providing security to its citizens, ensuring welfare, providing development, etc. The state is understood as a system that looks after society. Its core is formed by the *executive*, i.e. state agencies, departments and the officials staffing them. Society at large is providing the guidelines and mandate to the state through the *legislature*, and an independent *judiciary* ensures the legality of actions taken by state representatives. As a matter of fact, the present emphasis on good governance is exactly meant to increase the efficiency and effectiveness of these structures of the state system that are perceived as not yet in a position to properly fulfil their functions. The present state in the South needs to be further ‘developed’ – developed towards the ideal of the modern, liberal-democratic nation-state.

We call this a model based on a *functionalist ontology*. The model of the modern, democratic nation-state is ‘a given fact’ in mainstream debates. Good governance initiatives all over the globe take this model as their normative orientation and thus as a global universal. This universalising of the modern state requires our close attention, as decentralisation is part and parcel of this globalised discourse.

Central to this model is the conceptual separation of the state administration (the executive) from society at large. The state’s organisations and staff are expected to ‘function’ as neutral officials in the service of society, i.e. the people (see the notion of ‘public servants’). They are expected to “behave impersonally”, not affected by their social background such as family or ethnic relations (Corbridge 2008, p 107). This characterisation of the modern state as an agency that looks after its people, and for this purpose is detached from society, has been described in the early 20th century by the German sociologist Max Weber as the *modern state bureaucracy* (Weber 2006). In order to fulfil its functions vis-à-vis society within a national territory, the state administration has developed – according to Weber – from a feudal structure of patron–client relations and personal favouritism to an independent, neutral bureaucratic machinery: “The fully developed bureaucratic apparatus compared with other organisations exactly as does the machine with the non-mechanical modes of production. Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs – these are raised to the optimum point by the strictly bureaucratic administration (...)” (Weber 2006, p 57).

The rationale behind this bureaucracy is the maxim to treat all members of the modern nation-state on equal terms: “The more complicated and specialised modern culture becomes, the more its *external supporting apparatus* demands the personally detached and strictly objective expert (...)” (Weber 2006, p 58, emphasis ours). This expert, or government official, is the cornerstone of the bureaucracy: “(...) office holding is not considered ownership of a source of income, to be exploited for rents or emoluments in exchange for the rendering of certain services, as was normally the case during the Middle Ages (...). Rather, entrance into an office (...) is considered an acceptance of a specific duty of fealty to the purpose of the office in return for the grant of a secure existence. (...) It is decisive for the modern loyalty to an office that, in the pure type, it does not establish a relationship to a *person* (...), but rather is devoted to *impersonal* and *functional* purposes” (Weber 2006, p 50, emphasis in original).

The state that represents a detached agency entrusted with core functions towards society – these underpinnings of the Weberian (ideal-type) description of the modern nation-state have emerged from an analysis of European history but we can find them without much change in the postcolonial South as well. Due to colonialism and later the discourse of Modernisation Theory (which is actually rooted, among others, in Weber’s contrasting of tradition and modernity; see also Parsons’ *pattern variables*), the new states were to be moulded exactly in line with this model – to become the famous developmental states. To recall Weber: “Other factors operating in the direction of bureaucratisation are the manifold tasks of social welfare policies which are either saddled upon the modern state by interest groups or which the state usurps for reasons of power or for ideological motives” (Weber 2006, p 56).

Good governance neatly interlinks with the notion of the developmental state based on the Weberian ideal-type. The (postcolonial, or Southern) state is perceived as not yet in a position to fulfil its duties vis-à-vis its citizens as expected. Therefore, further improvements in the functioning of government administration are required. Such technical procedures within the bureaucracy in need of adjustments include several of the points characterising good governance (see section 1.2), e.g. democratisation, accountability of public servants, professionalism, non-discrimination or efficiency. Many of these points can be read as making the bureaucracy work better. This is to be achieved by administrative-managerial adjustments, or “constitutional engineering” (Barbora 2009).

These are some aspects that underpin the notion of the state and its relations to society, aspects that should suffice to indicate that the notion of the modern state is not an objectively given universal reality, but is a *constructed image*, a model developed based on a certain reading of history, and thus having a history and a certain meaning. The core notion of decentralisation is embedded within this constructed meaning as well. As a matter of fact, it is exactly the *questioning of these (ideological) underpinnings* that can provide further insights and a more comprehensive understanding of the theory and practice of decentralisation. To further strengthen our analytical scrutiny required for an in-depth reading of the case study insights, we thus introduce four lines of discussions that provide alternative conceptualisations of state–society relations: (i) *resistance*, (ii) *simplifying state techniques*, (iii) *state-in-society* and, related to this, (iv) *society–nature relationships*.

1.4.2 Resisting hegemonic notions of the state

While a Weberian liberal view presents the state as entrusted with the task to ensure the welfare of its citizens, it is especially from the neo-Marxist perspective that the state is perceived as an exploiting force – controlled by, and an instrument of, the elite, or bourgeoisie, or ‘capitalism’ for that matter. Class being the central category of Marxist thought, the state can not be thought of independently of class. Mechanisms through which the state (controlled by elites) extends control and extracts a surplus can include aiming for an income through tariffs and licences, etc. Thus, decentralisation is by default suspicious as it continues to be closely linked to the exploitative state. In this reading, the interests of the marginalised and oppressed people have to be mobilised in order to challenge the bourgeois state’s attempts, for example through ‘social movements’. A similar reading emerged in South Asia, especially India, in the school of *Subaltern Studies* (Guha 1982). This school perceives the postcolonial, modern nation-state as an alien, external institution which has been superimposed on traditional Indian society through the process of colonialism. The modern Indian state continues to represent these colonial principles rooted in Western ideals and framed by notions central to Western thought: “Concepts such as citizenship, the state, civil society, public sphere, human rights, equality before the law, the individual, distinctions between public and private, the idea of the subject, democracy, popular sovereignty, social justice, scientific rationality, and soon all bear the burden of European thought and history (...). These concepts entail an unavoidable – and in a sense inescapable – universal and secular vision of the human” (Chakrabarty 2000, quoted in Spencer 2007, p 68).

Alongside this alien state there has been, since colonial times, the “vernacular” India (Chatterjee 2001) with its own “politics of people” (Spencer 2007, p 43): “This was an autonomous domain, for it neither originated from the elite politics nor did its existence depend on the latter. It was traditional only in so far as its roots could be traced back to pre-colonial times but it was by no means archaic in the sense of being outmoded. Far from being destroyed or rendered virtually ineffective, as was elite politics of the traditional type by the intrusion of colonialism, it continued to operate vigorously in spite of the latter, adjusting itself to the conditions prevailing under the Raj and in many respects developing entirely new strains in both form and content” (Guha 1982, quoted in Spencer 2007, p 43). And: “(...) the coercive apparatus of the colonial state penetrated Indian society very deeply indeed, but the ideological apparatus failed to reach much below the higher levels of the Indian elite” (Spencer 2007, p 44).

Differentiating between alien state (and civil society linked to it) and vernacular local politics has become popular beyond India as a result of Chatterjee's distinction of *civil society* (the Indian elites that perceive themselves as 'citizens' of the modern state, and accordingly are part and parcel of the Western ideal) and *political society* (as an expression of associations from within the local, vernacular social sphere; Chatterjee 2001).

Through these conceptualisations of social movements or subaltern political society, decentralisation is perceived sceptically, and local people's struggle to have a greater say in decision-making processes therefore focuses on the vernacular, which may be referred to as searching for an "autochthonous narrative" (Slater 2002, p 257). Owing to the need for resistance through political society (a notion more prominent in South Asia) or social movements (a notion more prominent in Latin America), the dichotomy of state and society has evolved into a 'trichotomy' in which the state, citizens and 'indigenous nations or communities' are defining themselves as belonging to a 'nation' within the postcolonial nation-state. In this way, they call for a 'pluri-national state' that is supposed to be able to integrate this new – and hybrid – concept of actors based on the classical notions of 'citizen' and of being a 'member of an ethnic community' (García-Linera 2007).

1.4.3 Simplifying state techniques

Decentralisation can also be thought of as a specific set of administrative procedures applied by the state in order to govern society. The developmental state, being entrusted with the gigantic task of development, had to work through a huge array of technical schemes and interventions in order to achieve the structural transformation postulated as the core of modernisation. Decentralisation, then, might be thought of as in line with such governmental schemes and developmental techniques. James Scott (1998) analysed a range of development-oriented interventions by modern developmental states, to propose the idea of *state simplification*: Though well intended, state interventions tended to be schematic. In order to be able to implement huge schemes, they were based on assumptions that reduced the complexity of reality into simplified categories that were easier to handle by the administrative systems of the bureaucracy: "In each case, officials took exceptionally complex, illegible, and local social practices, such as land tenure customs (...), and created a standard grid whereby it could be centrally recorded and monitored. (...) The social simplifications then introduced not only permitted a more finely tuned system of taxation and conscription,

but also greatly enhanced state capacity” (Scott 1998, pp 2f.). Slater (2002, p 257) links up with Scott’s argument and argues that the new “technological logic of rule” called ‘good governance’ follows a Western-style arrangement for democratic rule (Slater 2002, p 257).

Again, Scott reiterates the distance of state and (local) society, and focuses on the very different outlook of both entities as to what development should achieve. In Scott’s reading, state schemes are “at odds with the way that ordinary people wanted and needed to run their lives – on the basis, in part, of diversity and the security that comes from not putting all one’s eggs in one basket” (Corbridge 2008, p 110).

Based on Scott’s proposition, decentralisation might indeed be compared with other (simplifying) schemes the state started and employed to foster development – schemes that also encounter complex social realities. In a first reading, this sounds contradictory, as decentralisation is a *discourse* on participation, allowing more voices to be heard, giving space to more local development paths. However, in many *practices*, decentralisation programmes follow rather blueprint procedures, and are extended bureaucratically and schematically over the entire territory of a state, leaving no room for local adaptation (below we will refer to appropriate case study insights from Pakistan or Nepal).

1.4.4 The everyday ‘state-in-society’

Both non-functionalist positions introduced above – the state as captured by capitalist bourgeoisie (or Western-inspired elites), and Scott’s understanding of the developmental state with its simplifying state schemes – continue to portray ‘the state’ in a rather monolithic way, separate from society and to be resisted.

However, recent studies have started challenging this dichotomy, questioning the “accentuation of the dominant and a romanticisation of the resistant” (Slater 2002, p 255). A core point in these emerging debates is – to put it simply – that the state is made up of people as well, and not of robots (see Weber’s notion of the “impersonal and functional”), that people are having *agency* and thus the “ability ‘to make a change’, i.e. to be able ‘to intervene in the world, or to refrain from such intervention, with the effect of influencing a specific process or state of affairs’” (Giddens 1984, p 14).

In other words: even state officials are humans that are embedded in social relations and have to struggle for their everyday livelihood needs, and that are thus (besides being members of the state bureaucracy) part and parcel of society at large. Thus, the analysis shifts away from a Weberian ideal-type understanding of the detached, neutral behaviour of officials, to an analysis of the actual doing, living and practising by officials. Such actual practices are “often far removed from official mythologies of the state. Few state agencies achieve the separation of the public from the private that Weber called for. This might happen to some degree in the ‘commanding heights’ of the state, where policies are drawn up, but it is less evident as policies are moved down through the ‘agency’s central offices’ to the ‘dispersed field offices’ and finally to the ‘trenches’. Particularly in the trenches, men and women who are tax collectors, police officers, teachers, and healthcare workers are required to balance the pressures placed upon them by supervisors (the principles) with those brought to bear by powerful figures in political society” (Midgal 2001, quoted in Corbridge 2008, p 113). With this shift in conceptualisation, a very different reading emerges, one that does not position the state outside society, but closely interwoven with it, what Midgal calls a “state-in-society-approach” (Midgal 2001, quoted in Corbridge 2008, p 113).

New state policies – such as decentralisation – are framed at the higher levels of administration. However, their implementation is effected by a wide range of state officials at various levels (central *and* de-centred) – officials that are interwoven with, and exposed to, members of society through complex webs of social relations. The actual everyday practising of decentralisation thus happens in mundane *social arenas* in which the intentions of the higher echelons are translated, interpreted, reshaped and implemented: “(...) the ways in which technologies of rule are made flesh will depend on the manner in which they are interpreted and put into play by lower-level government workers, elected representatives and others. (...) We also need to see why and how they are seized upon, understood, reworked and possibly contested by differently placed people within the population of ‘the poor’ (...)” (Corbridge et al 2005, p 7; for Asia see Geiser and Steimann 2004, for South America Rist et al 2005).

Contestation – the notion raised by Corbridge et al. (2005) above – is a core category that we need to briefly discuss in order to further sharpen our critical understanding of decentralisation as a social practice. In a ‘state-in-society’ approach, there may still be conflicts between ‘the state’ on the one hand, and ‘society’ on the other. However:

- The state is not perceived as a monolithic entity, but as consisting of various agencies, groups, hierarchies, factions, people.
- Similarly, society is not a consistent system or stratified into classes or other forms of homogeneous categories (as notions such as community or social movement at times suggest), but comprises multitudes of groups, specific alliances that may change from issue to issue, and people – all of whom may have their different ways of being involved or interwoven with components of ‘the state’ – which leads to a social patchwork where the drawing of a sharp line between state and society becomes almost impossible.

All these various entities do have interests and try to advocate their interests – and thus behave *politically*. Between the various entities, conflicts can emerge, and thus contestations. Contestations, i.e. everyday politics becomes an “ensemble of practices, discourses, and institutions that seek to establish a certain order and to organise social life in conditions that are always potentially subject to conflict (...)” (Slater 2002, p 257; see also Li 1999).

Hence, decentralisation may be supported by some state officials while not by others; setting up local authorities may be welcomed by certain ‘local people’ and not by others. And decentralisation may add another dimension of conflict to already ongoing contestations. Decentralisation can thus be understood as a *social interface* which is “(...) a critical point of intersection between different life worlds, social fields or levels of social organisation, where social discontinuities based upon discrepancies in values, interests, knowledges and power are most likely to be located” (Long 2001, p 243).

1.4.5 Individual–society–nature relations

Analytical entry points such as resistance, simplified state schemes or ‘state-in-society’ focus on the social world. However, when taking into account the objects and subjects of resistance, procedural simplifications, or complex life worlds, the underlying notions of what a human being is in terms of his or her cultural identity or as a citizen, become important as well. And these are also part of a complex, contested and historically evolving process that includes the natural world. Ontological beliefs of what a human being is, and the ways in which that human being integrates into society, are often *linked to the human being’s relationships with nature* and natural resources as well (Zimmerer and Basset 2001).

Considering the underpinnings of decentralisation in such a broader picture allows building a bridge to the popular notion of *sustainability*, which, in principle, represents one specific definition of society–nature relations, by calling for the needs of present generations to be met without compromising the needs of future generations (Commission on Environment and Development 1987). In practice, sustainability is often linked to the ecological sphere, and this reading is more likely to be promoted and articulated by NGOs, researchers or policy-makers than by local farmers or forest resource users. However, as the studies in this volume also indicate, this does not mean that local resource users are not interested in maintaining the ecological basis. As a main difference from the state or NGOs, they *practically* aim to achieve this objective in *conjunction with others*, i.e. by assuring not only the ecological, but also the socio-cultural and political foundations in which their life worlds and livelihoods are rooted. Therefore, sustainability-oriented changes in the management of natural resources through decentralisation should also be read as very basic alterations in, and challenges to, the routinised, ‘cultural’ relations between individuals, society and nature.

These very basic aspects of the construction of normative understandings of individual–society–nature relations form an implicit part of the context in which decentralisation takes place. Under certain conditions, they can become very important in the arenas in which decentralisation is carved out – especially through the manifestation of, and recourse to, the notion of *ethnicity* (which closely represents individual–society–nature relations). ‘Ethnicity’ can indeed play an important role in the definition of potentials and limitations of the decentralisation process. Here, ethnicity not only stands for a socio-demographic category, it also implies the denomination of people who have culturally formed notions of what humans are, where they come from, how they relate to each other, and how they relate to nature and natural resources at their disposal (see Barbora 2009, Bottazzi 2009). The recognition of customary rights related to land, resources and institutions – which actually express culturally defined human–nature relationships – and the related contestations can play a critical role in mobilising local people in favour of or against decentralisation (see e.g. Shahbaz and Ali 2009).

1.5 The complexities of decentralisation

Pausing for a moment and reflecting on the language – and thus the assumed ‘realities’ – so much taken for granted in the discourse on decentralisation can indeed provide food for thought on the everyday reality and the intended as well as unintended consequences of this globalised paradigm. The deconstruction of taken-for-granted ontological notions helps to take a fresh and more comprehensive look at some of the features of decentralisation, how it is practised and experienced, and at its consequences.

To repeat: the insights gained by practitioners of development into the opportunities and risks of decentralisation – as summarised in Ribot’s points – are crucial, and are also highlighted in some of the case studies presented in this volume. Still, understanding most of the ongoing interventions from a *functionalist* perspective of state–society relations does not allow to go beyond the surface and to grasp underlying dimensions that indeed often impinge on how concrete decentralisation projects operate. As a matter of fact, all the eight case studies presented here go beyond such a functionalist reading, and therefore manage to touch upon crucial issues that emerge by reading realities of decentralisation through theoretical concepts such as those introduced above.

To start with the obvious: the **citizens**, local people, the voters – those who are to receive, through decentralisation, a greater voice in shaping their future – are indeed a very heterogeneous category. We often find a highly stratified, complex, often competing local social reality (e.g. settlers and indigenous people in Bolivia, diverse groups in Assam, or forest owners and non-owners in Pakistan). These groups can not be encompassed with a notion such as ‘community’ – indeed, they may be ‘communities of place’, but not necessarily ‘communities of interests’. And their expectations of, and stakes in, decentralisation differ. State decentralisation (and specifically devolution) is to empower the local level, but as ‘the locals’ are socially heterogeneous, decentralisation becomes inherently contested.

Heterogeneity, though, is not a privilege of the local. The notion of **the state**, too, requires closer analysis – along the vertical line, for example. Indeed, higher-level authorities are often inclined to allow for more flexibility or resource distribution in decentralisation (e.g. the water authorities in Mexico or the Viceministry of Biodiversity, Environment and Forest Resources in Bolivia). Coming closer to local levels, or the “trenches” (see Corbridge

2008 above), intentions of the “commanding heights of the state” (Corbridge 2008) get translated into more profane actions (e.g. linking planning issues with political elections in Buenos Aires, or shooting the cattle of people displaced by national parks in Nepal). But heterogeneity exists along the horizontal line as well. Efforts at organising decentralised governance structures can be undertaken by different sections of the bureaucracy, and can at times lead to overlapping structures at the local level (e.g. the multiplicity of structures in the Bolivian lowlands).

We then move on to re-visit the **relationship between state and people**. Decentralisation is based on the assumption that citizens ‘exist’ – but in how far can we take for granted that people consider themselves as being functionally related to the state and thus perceive themselves as being citizens? Or, under which conditions are they ready to do so? Though well intended, many people in Assam, for example, experience decentralisation as a threat, and look for other forms of identity (e.g. Barbora’s notion of “peoplehood”; see also the insights from Pakistan).

A further dimension emerges from Scott’s thoughts: indeed, decentralisation schemes at times follow **standardised** or **simplified** (Scott’s term) **procedures**, with the same rules and regulations extended throughout the state’s national territory (e.g. water management in Mexico, decentralisation through municipalities in Bolivia, or joint forest management in Pakistan). Though these procedures may fit local circumstances in some cases, they may encounter very different social (and at times ecological) realities in many others. As a consequence, they offer no room to local complexities (e.g. buffer zones in Nepal).

Standardised procedures, however, do not lead to standardised applications. Several of the studies presented in this volume impressively illustrate the dimension of **agency**. In an agency-based conceptualisation of social realities, both governmental and non-governmental schemes emerge as **resources to be used**. Access to a forest management committee (in Pakistan, or in Bolivia’s lowlands) opens opportunities for income; being linked to a specific church gives access to drinking water supplies (e.g. in Kerala); or being a member of a certain ethnic group defines patterns of access to forest and public financial resources as shown in the case of Bolivia.

Agency, though, is not a commodity equally distributed, but is socially contingent. Capabilities to access decentralisation schemes are influenced

(though not determined) by social status, ethnic affiliation, political liaisons or simply by geographical distance. The opportunities offered by decentralisation, thus, are not the same for all (see the studies from Pakistan, Assam and Bolivia).

We also showed that socially constructed notions of state citizenship and unequal distribution of agency are often linked to **actor-specific notions of society–nature relationships**. Therefore part of the complexity of local arenas is due to the fact that the process of negotiating socially, economically and culturally defined interests also implies to negotiate and make more compatible the ways in which societies wish to be related to their natural foundations, expressed in what they perceive as ‘nature’. This becomes especially important when ‘customary rights’ are being recognised as in the case of the lowlands in Bolivia or Nepal, or when they are ignored as in the case of Pakistan.

1.6 The dilemmas and challenges of decentralisation

The contributions to this volume illustrate in various ways the complexities of decentralisation – complexities that become visible when reading ground realities through contemporary social science discourses. They show how well-intended and generally taken-for-granted efforts at providing equal opportunities to improve livelihoods through decentralisation, after meeting local complexities, result in the emergence of often unintended dynamics – different from the initial policy intentions. The analyses presented here are helping us to see that understanding such unintended effects only in terms of not having ‘decentralised enough’, or as procedural problems, might be a trap. What our reflections sustain is that the unintended effects are often expressions of encounters with complex, heterogeneous and conflictual local socio-political realities. A key challenge for research is to unravel these complexities and to highlight the variety of encounters decentralisation ventures can have with everyday realities. The eight studies presented here indeed illustrate the richness of insights that a differentiated analysis produces.

At this stage, though, researchers are often asked by practitioners to suggest ways of how negative consequences of decentralisation can be mitigated, and how opportunities could be strengthened in order to – to recall Chambers (introduced at the beginning of this paper) – cross the bridge between

critique and practice. Here, the insights presented by the researchers in this volume indicate a conflictuous terrain.

In a first reading, a core suggestion may emerge that calls upon decentralisation endeavours to better account for (local) complexity – for example to modify the often standardised procedures in such a way that they allow for flexibility, incorporation of local peculiarities and even constructive feedback loops between policy-making and local experience.

However, there is another side to this coin, well illustrated in several of the papers (e.g. Bolivia, Assam or Kerala): Heterogeneity also favours competition for the often scarce resources and opportunities available locally, and access to these is reorganised through decentralisation. This competition can lead to the proactive and strategic construction of differences between and among local social entities. As a result, there are processes of ‘othering’; they can take modest forms (e.g. lowlands of Bolivia) or they can escalate and even lead to bloodshed and misery as the case of Assam dramatically shows.

Such radical cases can initiate a rethinking of assumptions, positions and normative outlooks. As the examples of Kerala and the Bolivian lowlands (and to some extent Pakistan, Mexico and Argentina) illustrate and argue, there is – in principle – an important and crucial role for the state. As already noticed by Ribot in his point No. 4: “For effective decentralisation, central governments remain important ‘for redressing inequities and preventing elite capture of public decision-making processes. Central government also must establish the enabling legal environment for organising, representation, rights, and recourse so that local people can demand government responsibility, equity, and justice for themselves.’ Central governments should also ensure ‘pro-poor, pro-minority action’” (Ribot 2002, p 3). Similarly, as mentioned above, Slater (2002, p 255) urged to avoid the “accentuation of the dominant and a romanticisation of the resistant”: though criticised for being simplified, often inefficient and bureaucratic, politically motivated and often insensitive approaches towards local complexities, it is – again in principle – *the state that is meant to ‘balance local complexities’, to avoid processes of ‘othering’, and to secure equal access to natural and socio-economic resources*. As the Kerala paper argues along this line, “it is only within the arena of ‘contestational politics and of the conflicts of ideas and interests that are an essential part of democracy’ [in the context of the nation-state], that development can take place – and decentralisation can be a core instrument in this” (see also the conclusions of Bottazzi [2009]).

The dilemma, then, is between an understanding of decentralisation that supports this envisioned role of a deeply democratic state on the one hand, and the fears of decentralisation being “constitutional engineering”, the “almost naïve faith in the ability of constitutional arrangements to resolve complex (and contentious) issues centred on identity” on the other hand (Barbora 2009 on Assam). This also relates to the paradox we encountered when discussing Scott (see above), in that decentralisation may aim to overcome simplified views of ‘the local’ held by central governments living at a great distance from local heterogeneity, but in practice the ways in which central governments design and implement decentralisation often follow blueprints themselves which are too simplistic to effectively respond to local heterogeneity.

Thus, there is no simple answer as to ‘how to do things right’. What our insights highlight is that decentralisation is, by its very basic intentions, a highly political venture – and thus contingent by definition. What has become evident from our studies is that decentralisation is much more than the introduction of “new mechanisms” (see Gaventa 2002); as a matter of fact, it can trigger the establishment of new social arenas in which the different actors involved do not behave according to pre-conceived (functionalist) roles. As the cases of Bolivia, Assam or Nepal show, these arenas lead to a *re-construction of very basic notions* such as citizenship, even the meaning of the state, and of the interactions between local actors, policy-makers, NGOs or social movements.

Endnotes

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³ The levels at which decentralisation takes place, vary from case to case, e.g. from federal state to states or provinces, or further “down” to villages, municipalities, etc.

⁴ In this context, ‘localisation’ refers to the process of decentralisation as well.

⁵ Case studies were conducted within the international research partnership programme National Centre of Competence in Research (NCCR) North-South with support from the Swiss National Science Foundation (SNSF) and the Swiss Agency for Development and Cooperation (SDC).

⁶ For South America see the complaints and suggestions presented by the indigenous Chronicler Guaman Poma de Ayala (1615), who, during the first decades of colonisation, wrote a book entitled “First Chronicle and Good Governance”. The manuscript contains a well-documented protest against the violence and ignorance of the colonisers. It suggests that Europeans, instead of aggressing against indigenous people, should build a regime of ‘good governance’ on the basis of existing indigenous institutions.

⁷ Steimann (2004) argues that such standards can be used by central authorities to maintain control. The question of sharing natural resource management responsibilities between local stakeholders and state authorities has become a field of intensive debates. This concerns, on the one hand, the modalities of these arrangements and, on the other hand, the evaluation of their potentials and constraints (Andersson 2003; Larson 2003; Galvin and Haller 2008).

⁸ The notion of ‘scheduled tribes’ refers to indigenous peoples in India, whose specific status is acknowledged by national legislation.

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2 **Decentralisation and the Search for Sustainable Water Management in the Municipality of El Grullo, Western Mexico**

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Abstract

Since the 1980s, the water management landscape in Mexico has undergone major reforms. Combined with classic decentralisation efforts, these include putting municipalities in charge of potable water supply and sanitation, and creating participatory watershed councils. This article explores the extent to which such decentralisation processes have led to a more sustainable management of water. The case study area, the municipality of El Grullo, is located in the State of Jalisco, Western Mexico, where water resources are under medium to strong pressure. El Grullo provides an interesting standpoint, being at the forefront of several decentralisation initiatives, both at its own scale and at the regional scale. However, although some progress has been made in the transfer of decision-making capacities, our results show that we are still far from witnessing an actual ‘political decentralisation’. Instead, in the absence of fiscal management capacity at the local level, the case is more one of ‘administrative decentralisation’. A more transparent and democratic water governance is thus required – it could be fostered among other things through institutional innovations, such as the inter-municipal initiatives developed in the region of El Grullo.

Keywords: Decentralisation; water management; sustainability; municipality; watershed; Mexico

2.1 Introduction

Since the 1980s, decentralisation efforts have been carried out worldwide (World Bank 2000), with natural resource management now at least partially decentralised in 60 countries (Agrawal 2001). In Mexico, as in many other Latin American countries, decentralisation started in the mid-1980s. The reforms aimed at reinforcing states and municipalities; combined with specific reforms in the water sector, they had repercussions in different fields of water management, ranging from the devolution of responsibility for potable water and sanitation services from state governments to municipalities, to the creation of watershed councils involving user participation.⁴

The aim of this article is to explore the extent to which such decentralisation processes have led to a more sustainable management of natural resources, with a particular focus on water. The municipality of El Grullo, located in the Ayuquila watershed in Western Mexico, provides an interesting study area, due to its specific role in setting up or contributing to the development of several decentralised initiatives in the region, including a particularly successful inter-municipal initiative. The analysis is based on the outcomes of a PhD study conducted on the topic of integrated water resource management in the watershed. Complementary information was also gathered by drawing on the long-term experience of researchers from the University of Guadalajara, working on-site and specialised in regional sustainable development.

In the following four sections, we first describe the background of our research (main concepts, national context, study area and methodology). Sections 2.6 and 2.7 then present our results, which are discussed in a concluding section.

2.2 Decentralisation and natural resource management

Put in the most simple terms, decentralisation can be understood as the shift from higher to lower organisational levels of decision-making power, including the financial and human resources that are involved (Fraga 2000). Decentralisation is called ‘administrative’ when this shift takes place in favour of local administrative bodies, to be closer to local interests and needs.⁵ It is referred to as ‘political’ or ‘democratic’ when local populations’

preferences and the mobilisation of local resources and labour are directly integrated in policy-making and policy implementation (Larson and Ribot 2004). The latter is often accompanied by the creation of new local institutions (Ribot 2002).

Decentralisation has been promoted in developing countries by international aid agencies since the 1970s, when they realised how central planning and management – held in the two previous decades as a model to develop economic growth and to counter poverty, on the basis of the Western European and North American experiences after the Second World War – had failed (Rondinelli 2006). The worldwide economic recessions of the 1970s and early 1980s also contributed to convincing Western countries' central governments of the usefulness of decentralisation, as a convenient alternative to finance service provision (*ibid.*).

Research on decentralisation has since focused on various related issues, including its potential political and economic advantages such as democratisation and participation (Ribot 1996), rural development (Uphoff and Esman 1974), public service performance (World Bank 2000), poverty alleviation (Crook and Sverrisson 2001), fiscal crisis relief (Oluwu 2001), political and macroeconomic stability (World Bank 2000), national unity and state building (Mamdani 1996) and an increase in governments' legitimacy (Ribot 2002). Increased efficiency and equity benefits are also to lead to more sustainable management (Uphoff and Esman 1974). Results indicate, however, that putting decentralisation into practice has had very heterogeneous outcomes, essentially because the basic conditions were not in place – namely, the strengthening of local managerial and technical capacities and the granting of authority to obtain and expand financial resources (Rondinelli 2006).

In the specific field of natural resource management, decentralisation throughout Africa, Asia and Latin America has had similar mixed results (Larson and Ribot 2004). According to Larson and Ribot (2004), decentralisation has to be considered complicated, as it depends to a great extent on local actors' having the knowledge and capability⁶ to influence policies and local decision-making processes.

In this field of natural resource management, contradictory or even conflicting interests can interact when the importance of natural resources for livelihood strategies clashes with their importance as a source of revenues for the government (*ibid.*). In theory, decentralisation supports sustainability in the

sense that it enables policy-makers to link global and/or national interests with regional or local ones (the famous ‘think global, act local’ approach of the 1990s). But since the concept of sustainability became the common point of reference, i.e. over the last 15 years (WCED 1987), it has been possible to encounter situations where putting decentralisation into practice either has only partially succeeded in bridging the gap between national, regional and local interests (Jardel et al 2004) or has even increased the distance between the different levels of political organisation (Leff 1998).

With regard to Mexico, according to Leff (1998), the achievement of sustainable development and decentralisation requires anchoring actions in socio-cultural, ethnic and ecological conditions at the local or regional levels. This is still far from being the case, as we attempt to illustrate in the following sections.

2.3 Decentralisation and water management in Mexico

In this country of 32 states and 2,445 municipalities, the initial reforms of 1983 took place in a deteriorating economic and financial context, and had been designed with three main objectives: 1) to decentralise all federal agencies, both administratively and geographically; 2) to strengthen federalism by increasing the power of states and local governments; and 3) to promote regional economic development (Edmonds Elías 1997). The decentralisation process further intensified in the late 1990s, when demands for autonomy from sub-national governments coincided with the end of the Institutional Revolutionary Party’s almost 70-year-long political domination (Joumard 2005).

As far as the specific decentralisation of water management is concerned, two events played a major role: the first was the creation, in 1989, of the National Water Commission (CNA). The CNA became the sole entity in charge of water management, intended to work with both the Ministry of Agriculture and Water Resources (in charge of irrigation, and from which the CNA is separated) and municipalities (in charge of urban water supply and sewerage services since 1983) (ibid.). The second event was the 1992 Law of National Waters (LAN). As the country’s sole general law related to water, it regulates its extraction, use, distribution, control, quality and quantity for sustainable integrated development (Centro del Tercer Mundo para

el Manejo de Agua 2003). The LAN puts forward four specific components to be implemented in the National Water Plans – institutional capacity building, decentralisation of functions, use of economic instruments and private-sector participation to finance the hydraulic infrastructure – while its Regulation of 1994 specifies the related implementation procedures (*ibid.*).

The LAN was reformed between 2002 and 2004, and now includes several paradigms promoted worldwide, such as watershed management, integrated water resource management, the ‘consumer pays’ and ‘polluter pays’ principles and social participation (Guerrero Reynoso 2004). Illustrating this, the National Hydraulic Programme of 2001–2006, which formulates the country’s hydraulic policy (principles, objectives and strategy), is the first of its kind worldwide to explicitly recognise the importance of including users and civil society in the planning of hydraulic resources (Centro del Tercer Mundo para el Manejo de Agua 2003).

Currently attached to the Ministry of the Environment and Natural Resources, the CNA remains in charge of defining the country’s water policies, measuring water quantity and quality, granting water licences and permits for water extraction and discharges, and planning and constructing the hydraulic infrastructure (Aldama 2005). As part of the reinforcement of federalism, however, it has promoted the decentralisation of functions, programmes and financial resources towards states, municipalities and organised users (Centro del Tercer Mundo para el Manejo de Agua 2003).

Below we briefly present the decentralisation processes entailed by these regulatory evolutions, at both municipal and watershed levels.

2.3.1 Decentralisation of potable water management at municipal level

In 1983, reforming Article 115 of the Mexican Constitution represented the first serious effort to transfer spending power from state and federal levels to municipal governments, assigning them the responsibility for providing potable water, drainage and sewerage systems, public lighting, waste collection, public markets, cemeteries, slaughterhouses, streets, public parks and public safety (Moreno 2005). This reform also aimed at providing municipal governments with the ability to respond more effectively to local needs, establishing their right to manage their own finances and, in particular, keep all revenues collected from property taxes and from the provision of public

services (Edmonds Elías 1997). Nonetheless, to this day, state support can still be appealed to in case of insufficient financial or technical means (Centro del Tercer Mundo para el Manejo de Agua 2003).

The Regulation of the LAN, published in 1994, accelerated the decentralisation of functions and their devolution to local authorities (*ibid.*). Water tariffs, in particular, were to be set by municipal water boards in order to cover the costs of all operations, conservation and maintenance. In practice, 23 states have adopted reforms to this effect while tariffs are still defined by the State Congress in the 8 remaining states (Pineda 2004). In these latter cases, it is hence almost impossible for municipal water boards to attain cost recovery, because Congressmen tend to vote for the lowest possible tariffs – either to satisfy their electorate or, in case the tariff increase is suggested by the ruling party, to simply counter any of its initiatives (André de la Porte 2007).

2.3.2 Decentralisation of water management at watershed level

Coinciding with a larger movement which encourages the creation of watershed institutions,⁷ the 1992 Law of National Waters also opened up the possibility of creating watershed councils in order to provide for more integrated water management at the scale of these hydrological units (Aldama 2005). To do so, these bodies perform the following functions: balance supply and demand for the different uses; prevent and clean up contamination; conserve, preserve and enhance ecosystems; achieve efficient and sustainable use of water; and stimulate a water culture that considers water as a vital and scarce resource (Dourojeanni and Jouravlev 2002). Such coordination and negotiation platforms are meant to bring together the watersheds' stakeholders – representatives from the CNA, the states concerned, and organisations of specific water uses⁸ – with one common objective: improving the state of the watersheds. Auxiliary organisations have been set up to support the implementation of such councils, in particular to deal with specific problems at a smaller scale: watershed commissions for sub-watersheds, watershed committees for micro-watersheds and groundwater technical committees for aquifers (*ibid.*).

By 2000, 25 watershed councils had been created in Mexico, as well as 6 watershed commissions to oversee sub-watersheds facing acute or particularly complex problems. The first council, the Lerma–Chapala Watershed Council, was created in the same year in which the LAN was promulgated, due to the important environmental issues faced by this watershed. Cover-

ing 54,000 km² and located over 5 different states in the centre/west of the country, it encompasses 11 million inhabitants. With 26 overexploited aquifers and only 30% of the area's wastewater treated, the main channel of the river was highly polluted and water availability unable to meet demand. As a result, the Chapala lake – located at the downstream end of the watershed – was classified as unacceptable for the purposes of both water supply and fishing (Castelan Crespo 1999; Mestre 1997). Examples of smaller-scale commissions include the early Rio Bravo Commission, created in 1993 to solve the related water conflicts between the United States and Mexico, and the Ayuquila–Armería Watershed Commission in our study area, formed in 1998 in response to social concerns about river pollution (Martínez R. et al 2003; Castelan Crespo 1999).

2.4 Description of the study area

Mexico is a country with low water availability (Aldama 2005). This is due to marked disparities in water distribution in time and space: the rainy season usually lasts four months (from June to September), during which 20% of the territory receives 40% of the rainfall, while another 40% of the territory receives only 20%. It is the spatial disparity between water availability (mostly in the south) and demographic centres / centres of economic activity (mostly in the north) which is responsible for groundwater overuse, the country's first major water issue. The second issue, severe surface and groundwater contamination, results from the increase in population and economic activity combined with a lack of wastewater treatment. In 2006, only 36% of municipal wastewater was treated (CNA 2007) and this figure is even lower for industrial wastewater, namely 26% in 2005 (CNA 2006).

2.4.1 A bird's-eye view of the region

Our study area, the municipality of El Grullo, is located in the State of Jalisco, which is under medium to strong pressure with regard to hydraulic resources (CNA 2003). More precisely, our study area forms part of the Ayuquila watershed (a sub-watershed of the Ayuquila–Armería watershed⁹). The Ayuquila watershed has a very diverse array of ecosystems with associated flora and fauna (Martínez R. et al 2000). In particular, the Ayuquila River plays a critical role in the protection of habitat and species diversity in the Sierra de Manantlán Biosphere Reserve (Henne et al 2002), a mountainous protected area considered to be the most important in Western Mexico in terms of biodiversity (INE 2000).

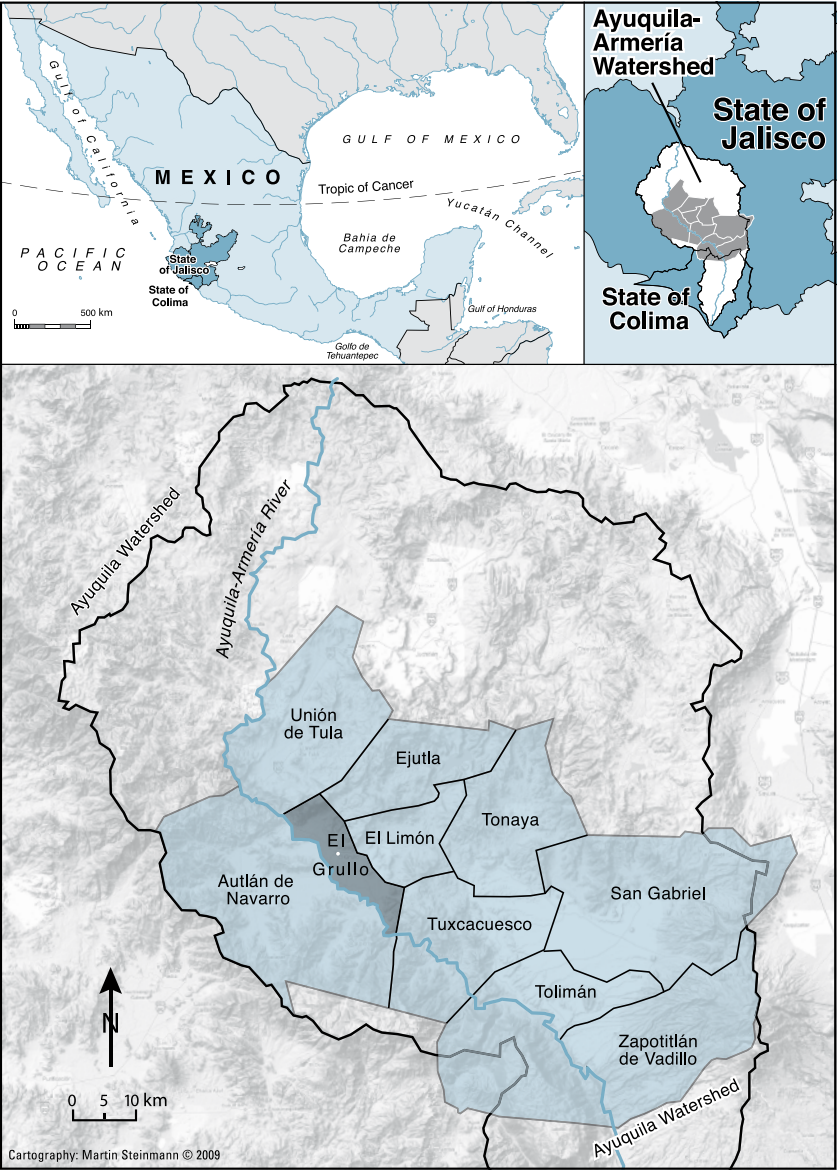


Fig. 1
The ten municipal-
ities of the lower
Ayuquila water-
shed. (Map by Mar-
tin Steinmann,
based on originals
by the authors)

The Ayuquila watershed (Figure 1) is also critical for human use. Ten municipalities make up the lower watershed area: unión de Tula, Ejutla, Tonaya and San Gabriel (located farthest upstream); Autlán, El Grullo and El Limón (part of the inter-mountain valleys); and Tuxcacuesco, Tolimán and Zapotitlán de Vadillo (located farthest downstream, close to the bordering state of Colima) (IMECBIO 2000).

In the course of time, those municipalities located in the upper and relatively flat valleys developed intensive agricultural systems, while those located downstream in the mountainous regions were confined to seasonal cultivation (Graf et al 1996). Autlán and El Grullo particularly benefited from the construction, in 1941, of the road connecting the country's second-biggest city (Guadalajara) to the western coast, followed by the development of irrigation in the valley they share and the installation of a sugarcane factory there in the 1960s (Lomeli et al 2003; Graf et al 1996). In this valley, new 'water-thirsty' products such as sugarcane – grown exclusively for the regional factory – and melon, tomatoes, chilli and courgette – destined for the export market – progressively replaced the former rain-fed products cultivated since the end of the 19th century (mostly maize, beans, cotton, coffee and rice).

Today the duality between the municipalities is reflected in the fact that El Grullo, Autlán and Unión de Tula are the only ones to have a positive demographic balance (El Grullo's population increase being the highest of the three: 1.1% between 1990 and 2000) (Gerritsen et al 2005).

As a result, the economic and demographic dynamism of the Autlán–El Grullo valley entails significant water withdrawals from the Ayuquila River and the aquifer for irrigation, domestic and industrial uses (the third use being negligible compared to the first two, as is often the case in countries of the 'South'). The watershed provides irrigation water for more than 14,000 ha of land in the valley (expected to rise to 18,000 ha shortly), via two dams further upstream. At the same time, surface water drawn from the lower part of the watershed provides potable water to 25,000 people, while groundwater supplies potable water to another more than 50,000 people (Martínez R. 2003).

2.4 Focus: The municipality of El Grullo

With a population of 22,000 (in 2000) and an area of 144 km², this municipality has quite a high population density for the region (156 inhab./km²) (Gerritsen et al 2005). Indeed, although it is also affected by the phenomenon of emigration encountered in the whole region, the capital of this municipality, which bears the same name, is a small urban centre (Arroyo et al 1986). This is a small town that provides services such as education, healthcare and administration, as well as trade and job opportunities, thus attracting migrants from rural areas of the municipality or other regions of the country.¹⁰

Although to a lesser extent than Autlán – which has double the population – El Grullo is a “predominantly urban municipality”, with almost 90% of the population living in the urban centre (Gerritsen et al 2005). The employment distribution reflects this urban dynamism: 24% of total employment is in the primary sector, 22% in the secondary and 52% in the tertiary. Nonetheless, even the manufacturing and services sectors are still closely linked to rural activities such as livestock-rearing and intensive agriculture: the former through industries such as the manufacture of leather-based products, the latter through a series of services based on agricultural products, ranging from the local market – which is of regional importance – to the exportation of maize leaves for traditional handicraft.

Despite the fact that the State of Jalisco as a whole faces rather constrained water resources, the municipality of El Grullo has until now benefited from a relative abundance of water, whether groundwater or surface water. Although it should not encounter any water shortages for the next 20 years, the fast-growing urban population has prompted municipal authorities to explore new ways to respond to the rising demand for water. Several studies in the area have thus been carried out or are underway, to identify problems and options for more sustainable water management in the municipality.

One specific impact of the town of El Grullo is its ongoing contamination of the Ayuquila River, through the discharge of untreated wastewater¹¹ (Martínez R. 2003). This creates negative externalities – or costs – for riparian communities in the municipality itself that are located immediately downstream from the wastewater discharge point (Graf et al 1996). But communities located farther downstream, such as those in the municipalities of Toluca and Tuxcacuesco, are also affected (Martínez R. 2003). The Ayuquila River is even more crucial for these two ‘marginal municipalities’, which have

high poverty indexes and where 60% of the population work in the primary sector, mainly as daily workers in the Autlán–El Grullo valley (Gerritsen et al 2005). The river provides them with potable water (Henne et al 2002), and they depend on it for their livelihoods, which traditionally consist of subsistence farming, fishing (for auto-consumption and selling) and attempts to develop tourism to complement the family income (Martínez R. 2003). Their uses of the river – recreational activities included – are thus affected by its contamination (DRBSM and IMECBIO 2001). For those communities located downstream from the confluence between the Ayuquila River and a stream coming from the Biosphere Reserve, this is particularly the case during the dry season;¹² during the rainy season, the Ayuquila River's water quality is greatly improved by the stream (Graf et al 1996).

At the institutional level, the municipality of El Grullo is governed by a mayor and his team, with a 3-year period of office. The current municipal officials, elected for the 2007–2009 period, are members of the Institutional Revolutionary Party.¹³

2.5 Research methodology

The overriding question we address in this study is: *To what degree has the devolution of decision-making power in the field of water management made it more sustainable, i.e. more efficient, equitable and environment-friendly?*

In the following two sections, we present the decentralisation processes at municipal and watershed scales in our study area in more detail, analysing the extent to which they have contributed to more sustainable water management.

Our results are based on those obtained by Cheryl André de la Porte in her PhD study,¹⁴ a research project that was undertaken within the framework of the Swiss National Centre of Competence in Research (NCCR) North-South, dedicated to Research Partnerships for Mitigating Syndromes of Global Change. More specifically, it was part of a collaborative research project focusing on urbanisation and natural resource management that was carried out by the Department of Ecology and Natural Resources of the University of Guadalajara in Mexico (DERN), in close collaboration with the Laboratory of Urban Sociology of the Ecole Polytechnique Fédérale de Lausanne in Switzerland (LaSUR–EPFL) (DERN–IMECBIO and LaSUR 2001). Generally speaking, the collaborative research project consisted of

four components: the study of institutions and policies, of actors and strategies, of ecological restoration, and finally of land-use change and its driving forces; several bachelor's, master's and PhD theses were completed during the first phase (2001–2005) of the National Centre of Competence in Research North-South (Gerritsen and Ortiz 2005).

Fieldwork for André de la Porte's PhD study was undertaken in the Ayuquila–Armería watershed for seven months between 2003 and 2006. The methodology used to gain an understanding of water management in the area included secondary documentation, direct observation, semi-structured interviews with key informants (municipal authorities in five municipalities including El Grullo, participants in the Ayuquila–Armería Watershed Commission and researchers from the University of Guadalajara) and a survey of more than 100 households in four urban neighbourhoods and three villages inside the municipality of El Grullo.

2.6 Decentralised potable water management in the municipality of El Grullo

2.6.1 Organisation of the potable water system

The municipal Water and Sanitation Board is in charge of managing potable water supply and sanitation for both the urban centre and the villages in the municipality.

General features

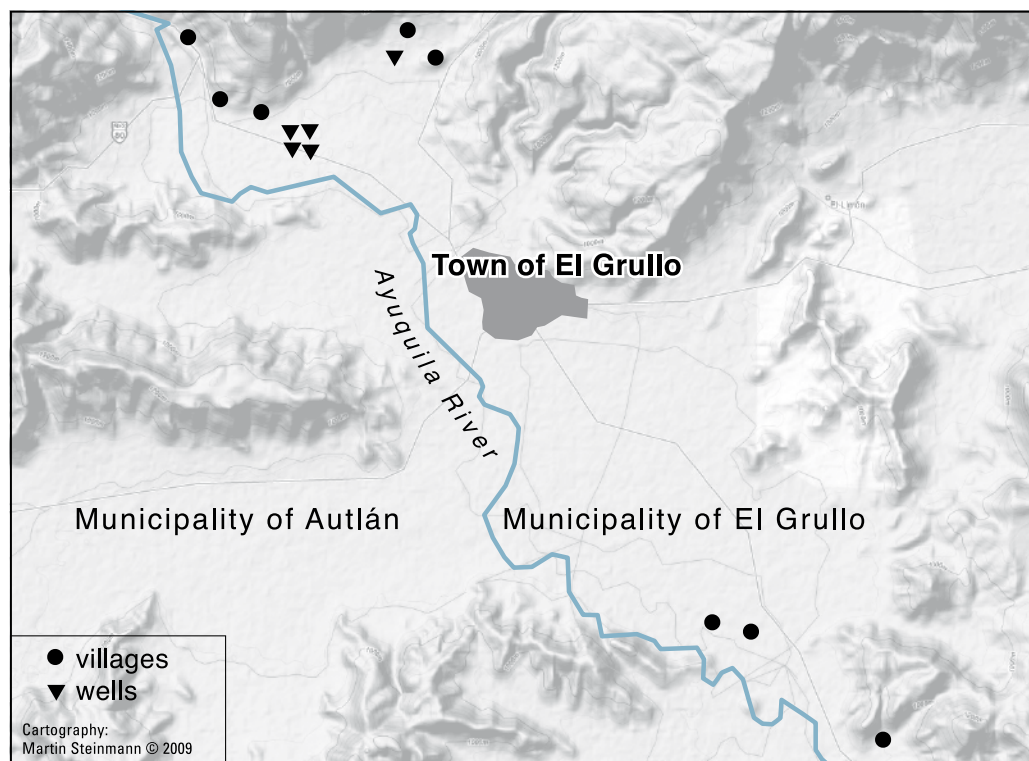
Located in a valley at the foot of the Sierra de Manantlán Biosphere Reserve, the municipality of El Grullo, the southern border of which is delineated by the Ayuquila River (Figure 2), benefits from a privileged situation in terms of water supply. Most of the potable water is supplied by five wells extracting groundwater (118 l/s for the urban centre, 21 l/s for the villages), as well as a surface spring in the nearby mountain range of Manantlán (15–20 l/s for the town depending on the season, and 4 l/s for the rural communities).

It is important to mention that potable water receives no treatment apart from chlorine, as the water is of high quality and very low in salts. Nonetheless, in the absence of a water treatment plant, the majority of the population resort to the very dynamic bottled-water industry in El Grullo to meet their drinking-water needs: six local companies have been established in the vicinity

of the town, taking advantage of the presence of the aquifer, that is not far below the surface and carries relatively high-quality water. Consumption of bottled water is less prevalent in the villages supplied by the Manantlán spring, sometimes for economic reasons but mostly due to personal preferences (“it tastes better”), suggesting this water is of higher quality than that from the wells supplying other villages.

Relatively good coverage – 90% of households in the municipality are connected to a water pipe – masks a very uneven quality of service provision. In the town of El Grullo itself, there are three different zones. The houses built on the hill above the town constitute the poorest neighbourhood, and officially receive water twice a week (on Mondays and Fridays) for 24 hours each. According to our interviews, this is not always the case in practice: the days and the number of hours during which running water is actually available vary a good deal. The second zone, the eastern part of the town currently

Fig. 2
Municipality of El Grullo with potable water sources.
(Map by Martin Steinmann, based on original by the authors)



undergoing urbanisation, is also supplied twice a week (on Wednesdays and Saturdays) for a period which varies from 6 to 24 hours. All the other neighbourhoods receive water on more or less three consecutive days (usually Tuesdays, Wednesdays and Thursdays), for a varying number of hours as well. As for the rural communities, they get water every other day on average – for periods from 6 hours for some to 24 hours for others.

To deal with this highly irregular water supply, various storage practices have been established by water users, ranging from underground or roof-top tanks to wash-houses and containers, depending on the households' financial means. In the central neighbourhoods, the groundwater is very shallow and many properties have wells dating back to a time before the public network was built in 1955. The Head of the Water Board regrets that in spite of the fee reduction granted to such well owners (to encourage the use of wells and take some pressure off the public network), many have stopped using their wells because of electricity expenses for pumping water up. The irony of this is that these well-endowed citizens are among the most fortunate in terms of the quality of water services, whereas those suffering most from irregular water distribution live in areas unsuitable for such an alternative water supply (on the hill, for instance).

As the area is not yet equipped with water meters,¹⁵ urban citizens pay a fee that varies according to the size of their house (number of rooms and bathrooms). In the rural areas, where the average income is lower, a standard – and rather low – fee applies to all. In accordance with the Jalisco Water Law of 2000, a comparative tariff autonomy prevails: the State Congress issues the Law of Municipal Income so as to establish a ceiling for yearly price increases for water provision, which range between 10 and 15% (Tanaka 2002). Fees are indeed regularly adjusted to socio-economic and infrastructure conditions, in particular the inflation of fuel prices, as electric energy represents 40% of the Board's expenses.

With respect to sanitation, only the rural community of La Laja has no sewerage system and thus relies on individual pits. All the other villages, as well as the town of El Grullo, discharge their wastewater into the Ayuquila River. But like other towns of more than 20,000 inhabitants, El Grullo is now under the obligation to have a wastewater treatment plant. In fact, according to the General Law on Ecological Equilibrium and Environmental Protection of 1996, El Grullo was supposed to have built such a plant by 2006¹⁶ (SEMAR-NAP 1996). From this perspective, 20% of the water fee is theoretically to

be dedicated to building and operating the treatment plant. In practice this never happens, and the money is used instead to pay the municipal electricity bills for water extraction¹⁷ (André de la Porte 2007).

El Grullo, which is not in favour of a classic wastewater treatment plant as it is too costly for its means, has mandated feasibility studies to plan for a constructed wetland. Currently, the town's wastewater is still transported away in a 10-km open-air canal, parallel to a road leading to three villages, before joining a secondary irrigation canal and being discharged into the Ayuquila River (Henne et al 2002). In addition to the foul smells to which the canal exposes all villagers commuting to town, the wastewater discharges disrupt the livelihoods of these riparian communities and give rise to opportunity costs by preventing any form of fishing or recreational activities, while also affecting aquatic biodiversity (Martínez R. et al 2005).

Two innovative set-ups linked to decentralisation

Current potable water management results from two institutional innovations that El Grullo instigated, thereby distinguishing itself from other municipalities in the region.

The first innovation is its relatively independent *Water and Sanitation Board*. Until the early 1970s, water management in El Grullo was similar to that in other municipalities, with the municipality collecting fees and submitting them to the Jalisco State Operating Agency for Water and Sanitation (SIAPA), which then sent it back to cover specific needs. The money, however, was not always used as planned, as it went to the municipal treasury, which could actually invest it where it deemed most urgent – for instance in the road works service.¹⁸ Following a severe crisis in water supply due to such financial reallocations, a bottom-up initiative led to the creation of a Citizens' Council in 1973 to manage the water, collect the fees and make the necessary investments. However, as this was a group of citizens with no legal status, and limited as such to receive money from the government, the SIAPA suggested that it continue to receive the money, to then let the Council invest it according to its priorities (Angel Aguirre, personal communication). Due to the strong control exerted by the State Agency, this did not work out, though, and in 1992 a municipal water board was created. Water, sanitation and wastewater treatment services were indeed transferred to the municipal level in the State of Jalisco in the same year in which the Law of National Waters was promulgated (Graf et al 2006).

In addition, El Grullo was the only municipality of the region (and this is still the case today) to also administratively separate its Water and Sanitation Board from the municipal treasury. In most municipalities, the money collected for water services – as well as other services – still finds its way into the general municipal treasury, to then be redistributed to the various services according to priorities. In El Grullo, the opposite approach has been adopted: the general treasury cannot use the Board's resources for services other than water and sanitation.¹⁹ Although it is part of the government, the Water Board, which is a public and decentralised organisation, is autonomous in terms of decision-making. It is, however, audited by the state's accounting system on a regular basis.

The second institutional innovation of El Grullo's is a *tripartite inter-municipal agreement*, the first in the region. It brings together the three contiguous municipalities of the valley (Autlán, El Grullo and El Limón) to share the responsibility for the maintenance of the common network they share to supply potable water from the Sierra de Manantlán Biosphere Reserve²⁰ (Martínez R. et al 2005). The pipeline network called the 'Manantlán system' is named after its source, the Manantlán spring. It was initiated in 1971, at a time when all the municipal water boards were still dependent on the state water agency in Guadalajara, from which planning was realised for the whole State of Jalisco. Until 1996, El Grullo had been the only municipality of the three to invest in the maintenance of the 'Manantlán system', so it pushed for a yearly rotating administration and financing system.

2.6.2 Has the decentralisation of the water management system made it more sustainable?

Below we analyse the extent to which these institutional innovations, both of which are linked to the decentralisation of water management, have contributed to improving water services, from an economic, political, social or environmental perspective.

The municipal potable water system in general

The first beneficial aspect of the decentralisation of the potable water system at the municipal level is the independence this has given the municipality in terms of decision-making, planning and operating. Previously, even the smallest investment had to be authorised by the state agency.

Similarly, the second benefit is specifically tied to the Water Board's administrative independence from the general municipal treasury: this has made the Water Board more aware of the necessity to move towards cost recovery, and promotes a more responsible administration of the service. We furthermore suggest that this financial set-up might explain why the Water Board seems to be slowly moving towards a demand management approach, instead of continuing the traditional supply-oriented search for additional water sources. This hypothesis is supported by the administration's will to reduce leaks and water-wasting habits by installing water meters, as well as implementing a system to recycle and reuse urban wastewater. It is interesting to point out that while municipal authorities think the majority of the population are against the idea of having water meters, our interviews show that those households that do not get water regularly (i.e. the large majority) are in fact in favour of such installations, although they would like to receive support for the cost incurred.²¹

Decentralisation can thus be seen as a way to render authorities more accountable for the services delivered (as there is more direct feedback with regard to service quality) and therefore to encourage innovative set-ups that, in the long run, tend to be more efficient. Under certain conditions (essentially local political support, largely shared by citizens), this should lead to approaches that focus on delivering high-quality services to all, while preserving the water resources around which the system revolves. This may also open up space for more social and technological creativity, such as highlighted in our examples, by sharing responsibility for the Manantlán system to supply potable water, or pursuing the municipal ambition of developing a constructed wetland to treat its wastewater.

Nonetheless, obstacles remain that prevent these decentralisation initiatives from achieving their whole potential, and that entail social inequities (in potable water distribution) and environmental impacts (mainly due to a lack of wastewater treatment).

The main obstacle is a financial one: the devolution of 'power' to the municipal Water Board was carried out without a corresponding devolution of means. The Board, according to its former director, operates with a budget that is structurally in deficit; to cover its debts, it resorts to fiscal credits. Subsidies from state or federal-level governments are also common lifelines (Tanaka 2002). This structural problem is closely linked to the fact that water fees are too low to allow the Board to even *approach* partial cost recovery:

it reached 67% in 2002, according to a study conducted in the region by S. Tanaka (*ibid.*). Moreover, this results in system characteristics – as outlined below – that, in turn, retroactively fuel the budgetary deficit (André de la Porte 2007).

First, the poor operation and maintenance due to inadequate funding lead to further financial losses, through pipeline leaks (accounting for at least 10% of pumped water) and “voluntary leaks” (limited human resources prevent the Water Board from monitoring clandestine connections). The lack of qualified technical staff also forces the Board to resort to third parties for technical studies and planning, thus incurring further costs.²²

Another aspect which complicates things is the fact that distribution is effected using gravity. This technical option is also the result of limited financial means, as it is much less expensive than pumping. Although interesting for economic reasons, it makes supplying new neighbourhoods more difficult since these are generally located on formerly non-built-up lands, which are at higher elevations than municipal water tanks. Consequently, water pressure is very weak as was particularly obvious in the villages of La Laja (where efforts are underway to build a new tank to solve this problem) and Aguacate. In the very densely populated urban neighbourhood of Cerro, built on the hill, this issue has been dealt with by repumping water from the main tank to a secondary tank located at the top of the hill, from which water is then distributed by gravity. The extension of the water network thus largely lags behind the extension of the urban living area, which hinders the delivery of good water services to all. The problem is that in some cases, this also nurtures a vicious circle such as that in La Laja, where citizens were asked to advance some of the money needed to build the tank, and some refused to do so until they actually saw any change in their (dry) faucet.

A third characteristic linked to the Board’s limited means is its difficulty to install water meters. It is planned that they will be installed once all households receive water regularly and at a comparable water pressure. Until then, in addition to being an incentive to waste water, the lack of meters further contributes to social inequities, while also putting the Water Board’s financial equilibrium at risk.

Indeed, as highlighted by the mayor in 2003, users pay for a service and not for the actual quantity of water they consume. In Jalisco, the State Congress sets water fees on the basis of political considerations only, and according to

housing characteristics. Such a system, combined with the problems linked to distribution by gravity, contributes to a climate of mistrust in most rural villages and some urban districts, when neighbours pay the same fee for a water service of quite variable quality.

Moreover, the lack of water meters is still abused by non-payers (around 10% of users), who thereby further hinder the Water Board's cost recovery. Arguing that they are being charged more than for their actual consumption – which, conveniently, cannot be measured – these are generally well-off citizens who are aware of regulatory evolutions and exploit them to their benefit. Since 2000, for example, the State of Jalisco Water Law has prohibited service suspension for non-payers (Tanaka 2002). In any case, such an unpopular measure would never be taken for domestic connections, but in order to curtail such free-riding attitudes, the municipality now aims to install water meters.

All in all, insufficient financial resources thus lead to a rather poor water service, by preventing daily distribution – or at least frequent distribution, at high water pressure – to all households, despite the relatively good availability of water in the area.

The fact that the Water Board's budget is structurally in deficit also impacts on the Board's other sphere of competence: the delay in the construction of a wastewater treatment plant extends the effects of river contamination on riparian communities and biodiversity, resulting in both social and environmental impacts.

Municipalities can receive federal or state support to build such plants, but not to operate them. It is therefore clearly impossible for El Grullo to build a classic wastewater treatment plant: the estimated yearly operating costs (approximately USD 200,000) would require the whole of its annual budget to be invested in municipal services. To avoid making any such unsustainable investment, El Grullo has opted for a constructed wetland, which is cheaper in terms of operating costs (while being more expensive to build as it requires a lot of land). Accordingly, several options have been discussed, including a public–private partnership.²³ Currently a feasibility study is being undertaken by the Mexican Institute of Water Technology, with the objective of obtaining financial support from the CNA and the State Water Commission to build the constructed wetland.

However, taking into account the projected population increase over the next 20 years, such a natural system will require an additional 10 ha to complement the municipality's current plot of 1.5 ha. So far, this complementary purchase has been curbed by the farmers' reluctance to sell their rich agricultural land, which has also resulted in an inflation in prices. If the current situation cannot be resolved quickly, a classic wastewater treatment plant that occupies less space but incurs higher operation costs might have to be built in order to comply with the law.²⁴ This risks building another 'white elephant' in the region, in addition to other classic wastewater treatment plants that do not operate successfully due to a lack of funds. In order to avoid this and unblock the current conflictive situation, it could therefore be useful to include the farmers and their needs in the process, to discuss the options and come up with a more collective, consensus-based solution.²⁵ Increased social acceptance could in turn contribute to making decentralised wastewater management more sustainable, while finally ridding the Ayuquila River of one of its most structural pollutants.

Another obstacle to improving potable water services and implementing wastewater treatment is of a more political nature: the political transitions that take place in municipalities every three years make long-term planning difficult. The first and third years in office are respectively dedicated to getting familiar with the processes and preparing the following electoral transition, or to put it more simply: only the second year in office is actually dedicated to work such as extending the water network or installing more efficient equipment. Further, each administration wants to be remembered as having realised some project, so it is quite common to see initiatives started by one administration only to be abandoned by the next administration, which starts its own initiatives (this is even more markedly the case when there is a change in parties, which has only occurred twice so far but this may increase with the current trend towards more political freedom in the country in general).

The specific 'Manantlán Inter-municipal System of Potable Water'

In addition to the common problems faced by the potable water management system, the specific inter-municipal agreement between El Grullo, Autlán and El Limón on the Manantlán system has its own sets of advantages and drawbacks.

Its main benefit has been the fact that all three municipalities now share responsibility for the overall network.

The service provided through this network remains nonetheless far from being totally satisfactory, as no system was devised to ensure that the populations in the three municipalities would receive equitable shares of water. In a specific village in the municipality of Autlán, where water is openly wasted through continuous overflowing of its tank, attempts to install valves have been systematically thwarted by the villagers. Such voluntary waste reduces water pressure and thus makes it difficult to supply other villages located further down the distribution pipeline, in the municipality of El Grullo. According to El Grullo's mayor in 2003, this problem is due to the fact that the line was built very informally and that an increasing number of communities joined in to use the same amount of water. The inter-municipal agreement thus only papers over a lurking conflict that might never be solved, due to a cultural specificity: interfering in other municipalities' matters is not part of the national mentality; it is, however, what would be required (the municipalities of El Grullo and El Limón have to pressurise Autlán into controlling its inhabitants' water use).

In addition, there is no control over illegal water connections, established all along the pipeline system to supply isolated farms or livestock.

Finally, the agreement's sole focus is on water administration, with no interest whatsoever in protecting the spring for the future. This is demonstrated by the fact that the municipality in which the spring originates (Cuautitlán) was not included in the agreement. In the long run, it might be necessary to incorporate local communities living in the spring's surroundings to guarantee the quality of its water.²⁶

We will now proceed to examine the attempts to decentralise water management at the watershed level, as well as their results.

2.7 Decentralisation at watershed level

2.7.1 Formal vs. informal: Efforts at two imbricated scales

El Grullo has played an important role in decision-making related to natural resource management at the scales of the Ayuquila–Armería watershed and of the Ayuquila sub-watershed.

Setting up a watershed-level institutional framework

The Ayuquila–Armería River has been structurally polluted by increasing urban and industrial wastewater discharges since the 1980s. The portion of the river corresponding to the Ayuquila River, i.e. the section farthest upstream, was specifically impacted by the activities in the Autlán–El Grullo valley, namely the sugar refinery and both towns’ lack of wastewater treatment.

At the watershed scale, El Grullo’s decisive role started in 1998, when a molasses’ spill at the sugarcane factory caused the acute contamination of the Ayuquila River over 70 km. Citizens from downstream communities in the two states of Jalisco and Colima gathered together to protest – a first in the history of the region’s social movements in that it concerned an environmental issue!²⁷ In response to the social protests, the CNA swiftly created the Ayuquila–Armería Watershed Commission, which included user representatives from both states of Jalisco and Colima (Martínez R. et al 2003).²⁸

As the Commission did not have a legal status as such – it could not manage finances, employ staff, sign agreements or undertake studies – it created a Watershed Management Board to counteract this, which operates with financial support from both states and the federal level. Since 2000, the Commission has convened on average every two months to discuss the progress made by its four working groups, which focus on water planning, sanitation, integrated management and information-sharing.

Small is beautiful: Introducing the sub-watershed scale

In practice, the Watershed Commission, which was not designed to respond to local demands or problems, mostly focused on water planning at the watershed scale, more specifically on water for irrigation (Graf et al 2003; Martínez R. et al 2003). Two issues of particular importance for municipalities – water supply and wastewater treatment – were not being addressed.

Another mechanism of regional dialogue was therefore devised at the sub-watershed scale, to better respond to municipal needs (Graf et al 2003). The idea for such an institutional set-up emerged from a workshop to support regional development held at the Manantlán Institute of Ecology and Conservation of Biodiversity (IMECBIO) of the University of Guadalajara, and was further developed jointly with the Directorship of the Sierra de Manantlán Biosphere Reserve. The municipality of El Grullo actively participated in the informal consolidation of this inter-municipal decision-

making platform, originally involving eight municipalities in the Ayuquila watershed. Created in 2001, the so-called 'local initiative for integrated management of the lower part of the Ayuquila watershed' currently comprises 10 municipalities, as well as representatives from the Biosphere Reserve, the IMECBIO, the state and federal governments and a local non-governmental organisation (NGO).

This transdisciplinary and action-research project implemented by researchers of the University of Guadalajara aims at developing new mechanisms for environmental governance at the watershed level. It acknowledges the importance of including municipal governments and developing inter-municipal networks in the framework of watershed management (Martínez R. et al 2003). Its objective is to incorporate sustainability criteria in local governmental planning. As one of its fields of attention, applied research is carried out in order to generate scientific information to solve concrete problems, as well as to understand the socio-economic and political dynamics at work in the Ayuquila watershed (DRBSM and IMECBIO 2001). In practice, this means that the research agenda is discussed with non-scientific participants and specific research activities are designed according to the needs of the initiative. Furthermore, there is the intent to generate short-term spin-offs in the form of preliminary research results.

In order to finance the different priorities identified by the participating municipalities – water and solid waste so far – a fiduciary fund has been set up. It was created with the support of the federal and state governments on the one hand, and the municipalities on the other (each contributing an equal amount) (IIGICRA 2004). The money may not be used to pay for any public service per se but the idea is to help the municipalities face their responsibilities, for instance by financing technical studies enabling them to compare different options.

The initiative was presented to the Ayuquila–Armería Watershed Commission, where it was well accepted. Although the CNA was not enthusiastic at first, as the initiative developed outside of its sphere of control, it now lends its support (this is illustrated by the fact that the initiative has a right to vote at the Watershed Commission's meetings).

2.7.2 Analysis: In what respect have these decentralisation efforts led to more sustainable water management?

The Ayuquila–Armería Watershed Commission, a typical case among others
For several years, the Ayuquila–Armería Watershed Commission was criticised for the fact that it failed to adopt an integrated approach to managing the watershed's resources (Graf et al 2003; Martínez R. et al 2003). Its sole focus on irrigation water meant issues such as minimum water flows, deforestation, sedimentation, etc. were simply ignored. Similarly, the participatory component of the meetings extended to little more than formal consultation (Martínez R. et al 2003).

Two elements show some promise. The first was the 2002 establishment of the Commission's working group on integrated management. Although, due to insufficient financial resources, it has so far only been able to draft the terms of reference for the watershed's management plan, this is a first step towards a three-phase process: assess the state of natural resources, socio-demography and economic activities; identify areas under pressure; define priority areas and proposals to solve their issues.

The second encouraging element was the reform of the National Water Law in April 2004. Although its actual implementation will still take some time, it officially requires a higher level of participation in watershed councils and their subsets (half of the meeting attendees must now be water users, and non-governmental actors are given the right to participate and vote). In this respect, it is encouraging that the inter-municipal initiative has recently been granted the right to vote at Ayuquila–Armería Watershed Commission meetings.

In this context, the Watershed Commission should be able to evolve towards effective integrated management if 'real planning' is made possible. This presupposes that discussions between Commission members lead to priority-setting agreements and investment mechanisms, in order for the management and conservation of water to be matched to the watershed's needs (rather than being defined beforehand by the participating institutions, as has been the case up to now).

The inter-municipal initiative recognised as a national model

As for the inter-municipal initiative, it has enabled the municipalities involved to finance and undertake activities and/or programmes that would



Fig. 3
Kick-off meeting of
the inter-municipal
solid waste recy-
cling programme.
(Photo by Luis
Manuel Martínez
Rivera)

have otherwise been much more costly and difficult to realise. They include a programme of environmental education and the control of forest fires in the Biosphere Reserve, as well as an inter-municipal programme for solid waste separation and recycling (Figure 3).²⁹

Moreover, it has given the municipalities a broader perspective on the water problems they face, highlighting their interrelations at a regional or watershed scale. For example, the initiative finances the feasibility study for El Grullo's potential constructed wetland, which has been identified as a priority for downstream municipalities. Awareness of the positive externalities – or benefits – that can be generated for others, by defining actions to protect or restore an affected area in one specific municipality, has been enhanced. As part of the environmental education programme, sites are being selected for restoration, in order to provide recreational areas as they once used to be, while the next step in this campaign will focus on potable water, based on a diagnosis which is currently being finalised. Important to mention is the fact that the initiative's emblem is the kingfisher, a bird which highlights the importance of clean rivers to conserve aquatic biodiversity.

The most exemplary aspect of the initiative, which provides alternatives to overcome the financial limits of individual municipalities while also seek-

ing to guarantee long-term commitments, is that it represents an informal decentralisation effort and thus allows for greater flexibility and efficiency. In addition, it constitutes a first step towards more democratic debates. In this respect, it is important to highlight the key role played by researchers from the local university and by managers of the protected area in implementing such a long-term process.

Recognition of these efforts came in 2005 through the Mexican National Award for Local Government and Management; the prize initiated a series of exchanges with other municipalities, including some from far-away states such as Yucatán. Yet another 'award' is the fact that the Ayuquila–Armería Watershed Commission now wishes to replicate the initiative so as to cover the whole watershed with similar inter-municipal networks: it has acknowledged that these are more suitable to implement what is planned at a higher scale for the whole watershed (André de la Porte 2007).

The remaining challenge faced by the initiative is to be strong enough to resist political changes, which occur every three years at the municipal level.³⁰ To do so, one of its objectives is to strengthen the implementation of regulations, as well as awareness-raising among citizens through environmental education. It is also exploring how to institutionalise its components by increasing municipal capacity building for environmental management, with the aim of newly-trained staff remaining at work during several administrations, thereby guaranteeing the continuity of environmental public policies.

2.8 Conclusion

In the previous sections, we addressed decentralisation and natural resource management in Mexico by focusing on two case studies related to water: a municipal water board on the one hand and a watershed commission on the other. We saw that both experiences of decentralised water management in which the municipality of El Grullo is involved have, until now, been characterised by a series of difficulties associated with a lack of both funds and capacity. Nevertheless, El Grullo as a municipality has demonstrated a strong willingness to search for an alternative system of natural resource management, overcoming its financial limits through a number of inter-municipal collaborations it has initiated or actively supported at different scales throughout the watershed. A factor of success in such initiatives seem to be the people of the municipality of El Grullo themselves, who are par-

ticularly cooperative and skilled at devising solutions advantageous to the public good. This, however, remains a rather isolated situation.

In general, our case studies reveal the more typical problems that Mexican decentralisation, initiated in the early 1980s, still faces. They also highlight how this slows down the move towards sustainable management of water (i.e. efficient, equitable and environment-friendly).

First of all, in relation to our first case study, municipal drinking water management systems are criticised for at least three specific characteristics that limit their field of action: their general lack of financing and management (Moreno 2005; Guerrero Reynoso 2004; Tortajada 2001); the populist attitudes that prevent local governments from raising fees for fear of electoral consequences (Jouravlev 2003; Solanes and Gonzalez-Villareal 1999); and the considerable fragmentation of the water industry, which prevents authorities from taking advantage of economies of scale (*ibid.*). As a consequence, due to their scarce financial resources and insufficient capacity building, municipalities share the feature of remaining, on average, quite dependent on state and federal bodies for the provision of water and sanitation services (Moreno 2005; Centro del Tercer Mundo para el Manejo de Agua 2003). Such shortcomings also pave the way for further water privatisation (Shiva 2002).

It is also important to emphasise the particular nature of Mexican municipalities' very short and non-renewable periods of office of three years, which prevent many activities from being carried out – in particular those requiring long-term efforts, such as potable water and sanitation services (Rodríguez Briceño 2004). Further, such discontinuity in policies and programmes (added to the lack of accountability of sub-national governments) does not encourage either leakage control or tariff updating: the problems are simply passed on to the next administration (Saade 1997).

As for our second case study: the Ayuquila–Armería Watershed Commission is criticised for the same setbacks as those identified in larger watershed councils throughout the country. First, there is the fact that most such organisations drastically lack in human, material and financial resources (Guerrero Reynoso 2004). This in itself greatly limits any effective work they can undertake to achieve more integrated water resource management, as it is promoted by the national water policy in the amended LAN of 2004.

Perhaps even more importantly, such organisations are considered to be flawed because there is still no effective participation of the local territory's numerous social actors. This is essentially due to the fact that these stakeholders do not perceive their participation as being useful. Formally, users such as municipalities are represented, but this is mostly for consultation only: in practice they have no decision-making power whatsoever (Martínez R. et al 2003). The real decision-makers are the numerous representatives from the CNA, from central agencies or state authorities (Guerrero Reynoso 2004; Martínez R. et al 2003). These have generally decided on their priorities and investments prior to the meetings, revealing the degree to which the CNA considers watershed councils and commissions as some sort of extension of its own institutions. Although user participation is to be reinforced by the reform to the Water Law of 2004, it remains to be seen how this will be put into practice, as the process has been extremely slow up to now, reflecting a certain degree of resistance.

Generally speaking, these case studies show some progress in the transfer of decision-making capacities and other resources, even though a considerable number of obstacles persist.

They suggest that decentralisation takes place mainly at an administrative level and less in the political sphere. In other words, the inclusion of new social actors – i.e. civil society – is still weak, as decentralisation appears to occur, above all, in the sphere of governmental institutions and involves the design and implementation of policies.

Whether with regard to potable water distribution at the municipal level or with regard to watershed management, what we have witnessed is *de facto* more a case of deconcentration (or 'administrative decentralisation') than one of actual 'political decentralisation', as accompanying fiscal procedures have not been decentralised. Failure to develop fiscal management capacity at the local level has provided similar outcomes in countries such as Zimbabwe, Uganda or Cambodia (Rondinelli 2006). Our results contribute evidence of even further "partial, blocked or hybrid decentralisations" (Larson and Ribot 2004) in the field of natural resource management.

Such 'administrative decentralisation', of course, is already an improvement compared to the situation that prevailed in Mexico until the end of the 20th century. It is recognised, however, that, despite several decentralisation attempts, Mexico remains one of the most centralised countries in the world, since the federal government continues to control most of the spending and

taxation instruments (Moreno 2005). For this to change, i.e. for politicians to evolve from the central position in policy-making they were assigned by the 1917 Mexican Constitution, they need to look beyond their parties' immediate political interests and work together in pursuit of the country's interests (Guerrero Reynoso 2004). Further, the real challenge lies in a much broader change in mentality, allowing all stakeholders to be included in a far more democratic and transparent system of water governance. Critical issues for more sustainable water management, such as environmental protection or water pricing, must be discussed widely; innovative institutional arrangements, such as those set up in the region of El Grullo, can provide spaces for such multi-stakeholder discussions and can help strengthen political decentralisation processes.

Similar initiatives of municipal associations or local government consortiums have been developed over the last decade in several countries in the region (in particular Brazil, Honduras, Nicaragua, Peru and the Dominican Republic). They demonstrate that in spite of the potential difficulties encountered – such as heterogeneity and rivalry, the frequent turn-over of mayors or high transaction costs – such institutional set-ups are more successful than individual municipalities at ensuring the development of technical capacity and financial viability for water supply and sanitation, environmental protection or watershed management (Brannstrom 2004; Jouravlev 2003). Our results also show that this seems to be even more the case when matters are coordinated with independently organised civil society groups such as NGOs, universities or research institutes, etc., thereby emphasising the importance of adopting a regional ecological approach to promote sustainable development.

Endnotes

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⁴ Another result of the reforms was the transfer of irrigation districts to water users’ associations. We do not address this issue here, as it is not a municipal prerogative (for further reading: Johnson III 1997 or Gorriz et al 1995).

⁵ Another common expression for this is ‘deconcentration of public services’, which hints at some retained centralised decision-making power (Baguenard 1980).

⁶ As Long (2001) would say, it depends on these actors’ agency to influence such processes.

⁷ Created in 1994, the International Network of Basin Organizations encourages the creation of basin organisations throughout the world. It currently counts 134 members in 51 countries.

- ⁸The 2002 Law of National Waters (LAN) identified six types of water users which can be represented in such organisations: Agriculture, aquaculture, public and urban, industrial, services and livestock-rearing.
- ⁹The Ayuquila River is 150 km long, making up approximately two thirds of the Ayuquila–Armería River.
- ¹⁰Such towns are also referred to as ‘small regional urban centres’ (Bolay et al 2004).
- ¹¹El Grullo discharges an average of 70 litres of wastewater per second.
- ¹²The problem was much worse when the sugarcane factory used to regularly discharge its organic or chemical residues into the river. Since 2002, Autlán and El Grullo have been the main sources of pollution (Martínez R. et al 2002).
- ¹³Only twice has the main opposition party, the National Action Party, been in power in El Grullo, thereby reflecting a general national trend during the 20th century.
- ¹⁴The aim of the study was to understand how the concept of ‘integrated water resource management’ is being implemented in Mexico.
- ¹⁵Only bigger cities like Guadalajara and Colima are equipped with such costly infrastructure.
- ¹⁶Until then, only large cities and those bordering the USA had been targeted by the General Law on Ecological Equilibrium and Environmental Protection (Martínez R. et al 2000).
- ¹⁷This explains why one of the Water Board’s priorities is to replace these pumps with more efficient ones.
- ¹⁸This is usually a popular service as its visibility helps fuel electoral support.
- ¹⁹This is in full accordance with the provision of the Jalisco Water Law for the State and its Municipalities of 2000, which recommends reinvestment in the same service (Tanaka 2002).
- ²⁰Each municipality remains responsible for the maintenance of the portion of the network on its territory.
- ²¹A water meter costs approximately USD 60 (the average weekly salary of an agricultural daily worker).
- ²²The former centralised state operator had the advantage of conducting high-quality studies and planning itself, although it was unable to cover all municipalities.
- ²³The Jalisco Water Law for the State and its Municipalities of 2000, among other options, enables municipalities to delegate the running of the water and sanitation service to the private sector through a concession (Tanaka 2002).
- ²⁴In this case, building costs would amount to USD 4.4 million (e.g. twice those of the constructed wetland), 10% of which would have to be provided by the municipality.
- ²⁵Even though consensus-based processes may backfire to harm the weaker parties in the negotiation processes, under current Mexican institutional reforms, it is the policy instrument that receives most political support.
- ²⁶This could be done via payments for environmental services, such as those existing for the nearby city of Colima (supplied by another spring located in the Sierra de Manantlán Biosphere Reserve). For the time being, however, such potential efforts are hindered by unresolved overlapping tenure regimes in the municipality of Cuautitlán itself.
- ²⁷El Grullo’s authorities were in favour of fining the factory, while those in Autlán were more reluctant (the factory being located in their municipality, they were afraid of this important regional employer’s reaction). Eventually, with the help of the Directorship of the Sierra de Manantlán Biosphere Reserve and the IMECBIO–University of Guadalajara, a low-cost solution to manage the toxic wastewater from the sugarcane factory was devised. This helped convince reluctant local governments to impose a fine and force the factory to face its responsibilities. As a result of this working group’s suggestions, since mid-2002 the factory has no longer discharged its wastewater into the river; it now mainly recycles its wastewater for irrigation use (Martínez R. et al 2002).

²⁸ Within this Commission, El Grullo is the representative of urban use for the municipalities of the State of Jalisco.

²⁹ The recycling programme is based on the lessons learnt through El Grullo's solid waste separation and recycling programme, the first to be set up in the State of Jalisco, in 1996. After some twenty years, it now boasts the participation of 40% of urban households. It aims at reducing, among other things, the contamination of the Ayuquila River.

³⁰ The latest elections took place during the summer of 2006.

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3 **The Social and Ecological Dimensions of a Decentralisation Process: Participation by Social Movements in the Sustainable Management of Urban Solid Waste in Buenos Aires**

Cecilia Cross¹ and Ada Freytes Frey²

Abstract

This paper analyses the governance dynamics involved in a decentralisation policy aiming to tackle the environmental, economic and social problems linked to waste treatment in the metropolitan area of Buenos Aires City. The 'Sin Desperdicios' programme intends to generate a 'social model' for waste management, by encouraging productive networks that include municipalities and social organisations. These networks will manage *social plants* for solid waste selection and classification. We focus on the process of negotiation related to the setting of one of these social plants. This process was led by a social movement that organised the population living near Buenos Aires' main sanitary filling. Since this particular project concerns a multiplicity of heterogeneous actors, it is of strategic significance to analyse the complex processes of interaction involved in democratic decentralisation policies. The hypothesis we explore here is that the actual impact of these decentralisation policies depends on the outcome of the conflicts and negotiations between actors' different logics. In order to assess the consequences of such policies on livelihoods, government legitimacy and waste management, we explore the governance processes that inform their design and implementation. To this effect, we first discuss the relationship between decentralisation and governance. Then, departing from the analytical framework of governance, we shed some light on the logic of actors' decisions and action and the social dynamics involved in this process of decentralisation.

Keywords: Governance; social movements; waste management; democratic decentralisation policies; sustainable environmental regulation; cardboard pickers.

3.1 Introduction

Waste management is one of the most serious environmental problems in big cities. Every day, tons of industrial and domestic garbage are generated, involving serious risks to public health and the urban environmental balance.³ In the metropolitan area of Buenos Aires City⁴ (AMBA), rubbish collection, treatment and sanitation are the responsibility of Coordinación Ecológica Área Metropolitana Sociedad del Estado⁵ (CEAMSE), a public enterprise whose directors are designated by Buenos Aires Province and Buenos Aires City authorities.

CEAMSE was created in 1977 with the purpose of implementing a new system of urban waste management, based on sanitary filling. Filling came to replace the previous form of waste treatment, which involved incineration in public furnaces and household ovens (Prignano 1998; Suárez 1998).

CEAMSE's creation in the context of the then military dictatorship also implied an authoritarian centralisation of waste management for AMBA. Its directorate was composed of representatives⁶ from the governments of Buenos Aires City and Buenos Aires Province in equal proportions. Previously, the municipalities in the vicinity of Buenos Aires had been directly in charge of waste management, but the 9111/78 Provincial Act obliged them to dispose of all collected residue exclusively in CEAMSE's sanitary fillings. This act also forbade all recycling activity and any other kind of residue treatment (Gorbán 2005). Thus, since the approval of this law, CEAMSE has had a monopoly on the final disposal and treatment of waste.

Another aspect to be considered here is that one explicit objective of CEAMSE's creation was to put an end to informal waste selection, classification and selling activities. In effect, commercialisation of residue has always been an important subsistence resource for many poor families in AMBA (Suárez 1998; Schamber and Suárez 2002; Gorbán 2005). For instance, *cartoneros*⁷ collect rubbish in the streets to sell for recycling; *quemeros* gather waste material from sanitary fillings and illegal dumps for the same purpose. The new policy was intended to put an end to such practices.

The authoritarian attempts of the military government in the late 1970s to eradicate *cartoneros*' and *quemeros*' activities soon proved to be a failure. In the context of the socio-economic crisis that Argentina has faced in recent years and the consequent growth of extreme poverty, the number of families

selling rubbish to survive has even increased. At the same time, *cartoneros* and *quemeros* began to organise themselves, with support from foreign and national non-governmental organisations (NGOs), as recycling cooperatives composed of workers and as social movements.⁸ Thus, social conflict has increased as a result of the government's establishing of regulations on waste management without considering these groups' interests and needs.

This situation highlights the political dimension of the problem. Since waste management involves such a multiplicity of actors and conflicts, government agencies are obliged to strike a balance between different perspectives. Given the lack of legitimacy of representative democratic institutions in Argentina,⁹ every step of the implementation process had to be measured and carefully negotiated. However, social movements seem to be the more critical actors to consider, since their repertory of action includes open conflict and their low degree of institutionalisation makes it difficult to establish negotiation strategies in the long term.

Faced with this scenario, the provincial government of Buenos Aires began to promote a decentralisation policy in November 2004, the 'Sin Desperdicios'¹⁰ programme, the primary objective of which is to generate 'social management' of waste treatment. This also implies a new way of addressing the environmental problem of residue disposal, namely recycling the material for industrial use.

Thus, this programme involves the development of *social plants*¹¹ for urban solid waste selection and classification, financed in cooperation with the national Ministry of Social Development¹² and built with the technical support of CEAMSE. The programme aims to encourage productive networks including municipalities and social organisations to manage the plants.¹³

It is foreseen that these social plants will involve classification, for later commercialisation, of such elements as plastic, pasteboard, glass and aluminium. These activities will be carried out by *cartoneros* and *quemeros*, in an attempt to ensure their social inclusion. The plants are storehouses equipped with a conveyor belt (where classification tasks are performed) and a hydraulic press for selected compacting of material. This process will make it possible to reduce the volume of waste to be buried in sanitary fillings. The plants will also have rotary processing filters to deal with organic products.

The present article focuses on the process of negotiation and decision-making related to the setting of one of these social plants; this process was managed by a ‘picketing organisation’¹⁴ that we call ‘21 de septiembre’.¹⁵ This movement organises the population living near CEAMSE’s main sanitary filling in order to build a ‘network of neighbourhoods’¹⁶ to participate in the ‘Sin Desperdicios’ programme.

The plant in question is expected to employ around 100 persons, the majority of them *quemeros*. Its construction is to be financed by the national and Buenos Aires Province administrations, while CEAMSE is to donate the land and provide technical advice. Some foreign and national NGOs are also part of the project, providing technical advice and supplying machinery.

This particular project is interesting because of the multiplicity and heterogeneity of the actors concerned. Accordingly, we consider it to be of strategic significance to analyse the complex processes of interaction involved in democratic decentralisation policies. In fact, the participation of community-based organisations and social movements adds a new dimension to the dynamics of decentralisation. The hypothesis we want to explore here is that *the actual impact of these decentralisation policies depends on the outcome of the conflicts, negotiations and arrangements between actors’ different logics*. Therefore, in order to assess the consequences of such policies on population livelihood, government legitimacy and waste management – as a key aspect of sustainable environmental regulation – it is necessary to comprehend the governance processes that inform their design and implementation. Governance refers to the effects that interactions among multiple social and political actors (not only governmental ones) have on the design and implementation of public policy. Hence, it is useful to explore the complexity of political life in post-industrial society, with its loss of state centrality and its plurality of political actors.

Therefore, an analysis of governance processes will be the main task of this paper. To this effect, we will first discuss the relationship between decentralisation and governance. Then, departing from the analytical frame of governance, we will shed some light on the logic of the actors and the social dynamics involved in this process of decentralisation. This will allow us, third, to examine the hypothesis we have proposed.

The discussion is based on data collected in the context of an action-research project.¹⁷ Its principal objective was to develop schemes of training advice

and coordination for productive experience to be gained by ‘picketing movements’ and ‘recovered factories’,¹⁸ in order to establish productive networks oriented towards generating sources of employment. To reach this goal, our research group¹⁹ worked with different organisations, one of which was ‘21 de septiembre’. This organisation asked us to become involved in the process of negotiation and also in the consolidation of the ‘neighbourhood network’. In this context, we organised several workshops in order to foster reflection, discussion and construction of basic agreements by participants. In addition, we accompanied organisation leaders at various meetings and in negotiations with governmental and non-governmental representatives.²⁰ This kind of participation in the project allowed us to employ a diversity of data collection methods: not only interviews with the actors concerned and documentary analysis, but also observing actors’ strategies and positioning in the different negotiation phases.

3.2 Decentralisation and governance: A theoretical discussion

3.2.1 Decentralisation: Different concepts and problems

In the last twenty years, developing countries have experienced a massive movement towards decentralisation. In the discourse of governments and international aid agencies, decentralisation appears as a solution to several core problems: efficiency deficits, fiscal crises, governance failures, government legitimacy, or even inequity (World Bank 1997; Bresser Pereira 1998; World Bank 2000).

Nevertheless, this abstract concept encompasses a number of conceptions of the actual forms that transfer of power from national authorities to local actors and institutions can take. Administrative decentralisation – or *deconcentration* – involves the transfer of managerial duties and decisions to local administrative bodies, in order to improve the quality of public policies and services (Larson and Ribot 2004). In this case, the goal of decentralisation is to do better justice to the preferences and interests of the local population by bringing the decision-making process closer to them. This should, at the same time, improve accountability. Moreover, decentralisation is considered a way to optimise public administration, by avoiding concentration of responsibilities (and the consequent ‘bottlenecks’) at the level of the central state.

However, in Latin America, deconcentration has often been used as a strategy to reduce the fiscal deficit of the national state. In the context of structural adjustment policies, transfer of responsibilities to local governments has often not been accompanied by transfer of the necessary financial resources. This is why some authors indicate that decentralisation is a synonym for legitimising the downsizing and dismantling of the state (Boron 2000a).

There is, however, a second concept of decentralisation, namely *political and democratic decentralisation*, the principal purpose of which is to encourage participation by the local population in decision-making processes. From this perspective, decentralisation is a tool to improve the legitimacy of the democratic system (Boron 2000a; Larson and Ribot 2004).

This is particularly important in Latin America, where broad segments of the poor have been marginalised with respect to political decision-making. This situation has eroded popular support for democracy (Przeworski 1998; Boron 2000b) and led to recurrent institutional crises in recent years (e.g. in Argentina, Ecuador and Bolivia), in which social movements (Tarrow 1994) played an important role. In this context, participation and inclusion of marginalised social actors in public policy-making is essential.

The policy which we will examine – the ‘Sin Desperdicios’ programme – corresponds to the second type of decentralisation, since it attempts to ensure participation in the decision-making process concerning waste management at different levels of the state, and including private enterprises, NGOs, as well as *cartoneros*’ and *quemeros*’ organisations.

Current decentralisation programmes concerned with natural resource management are facing various problems, though.

First, the actual extent of local participation has to be considered. Sustainable environmental regulation is “the basis of significant wealth for governments and national elites” (Larson and Ribot 2004). In this sense, decentralisation involves a threat to the interests of these parties, which are not willing to surrender power and profit. This is a significant obstacle to effective decentralisation, given the capacity of these actors to influence public policy. In consequence, decentralisation frequently remains a subject for discourse, without any real transfer of resources and decision-making capability. The participation proposed to community-based organisations and social movements is often reduced to mere consultation, or their presence is simply used to legitimise decisions previously taken by officials or other actors.

Second, it is important to examine practices which secure local participation, since they have different consequences in terms of political representation and, therefore, different potentials for reconstructing the legitimacy of the democratic system (Veneziano Esperón 2004).

Neoliberal critiques of state inefficiency and bureaucracy in the 1990s led international aid agencies to foster the transfer of resources and management responsibilities to civil society actors, such as local NGOs (Bresser Pereira 1998). Furthermore, they even encouraged the constitution of 'community-based organisations', in order to assure consideration of local interests. Unfortunately, these organisations proved to be 'project-dependent', since most of them were unable to survive once internationally financed programmes had been terminated (Veneziano Esperón 2004).

NGOs do not always have the capability to represent the demands of the poorest and most marginalised social sectors. These are often voiced by social movements. In both cases, however, the legitimacy of these organisations as representatives of local interests and perspectives is in question. This is why the dominant development discourse in the late 1990s stressed the importance of building institutional arrangements for decentralisation in which local elected authorities play a central role (Larson and Ribot 2004). Nevertheless, from our point of view, such arrangements do not assure that all groups' views and values will be considered. Local governments, in fact, are often influenced by clientelistic political practices and corruption. Besides, they "tend to have a poor record in terms of serving women, the poor and other marginalised populations" (Larson and Ribot 2004).

As a matter of fact, many social actors usually take part in processes of democratic decentralisation. This renders their implementation extremely complex: different institutions and organisations often have diverse views and interests regarding the transfer of power. Moreover, their ideas about natural resource management vary.

Consequently, we advocate the importance of examining processes of decentralisation from the point of view of governance. This will enhance comprehension of the complexity of the social dynamics involved in the interactions among actors concerned with a certain social problem.

3.2.2 Governance: An analytical framework

The concept of ‘governance’ has been defined in different ways (e.g. World Bank 1992, 1994; Hewitt de Alcantara 1998; Milani 1998; Lebesis and Paterson 2000; Rosenau 2003). These diverse approaches have led to in-depth theoretical debates. In the context of the National Centre of Competence in Research North-South (NCCR N-S), we collaborated with a research group at the Geneva-based Graduate Institute of Development Studies (IUED), in order to develop a conceptual perspective of governance that avoids the normative preoccupations with ‘good government’ or ‘governability’. Instead, we focused on producing an analytical tool for assessing the impacts of interventions by a multiplicity of actors (with different logics and interests) on the process of definition and implementation of particular policies. Below, we will present the components of this tool, which will be used to analyse the ‘social plant’ planning process in terms of actors, nodal points, norms and processes (Hufty 2006; Cross and Freytes Frey 2007).

Identification of *actors concerned* constitutes the starting point for empirical research. The delimitation of social problems targeted by the policy permits the individualisation of groups and social organisations that may be affected. This includes potential beneficiaries, but also NGOs and humanitarian organisations concerned with designing solutions for the problems involved, private enterprises whose economic interests are affected by the proposed actions, trade unions that defend workers’ interests, different governmental agencies, programmes, etc. This forms the basis for an exploratory process of identifying actors with the capacity to hinder or advance policy implementation (Cross and Freytes Frey 2005).

Some of the aspects relevant for characterising actors (this is not a conclusive list) are: a) Resources mobilised (different kinds of capital: economic, social, cultural, political) (Bourdieu and Wacquant 1995). This takes account of the (relative) power that different actors have to impel their own objectives and problem definitions; b) Objectives and interests, which facilitates some understanding of their positions and actions; c) Strategies for facing social problems: expression of demands, different alliances at nodal points, obstacles, and characterisation of opponents.

The *nodal points* constitute another key concept within the analytical framework (Hufty 2004; Chiara and Di Virgilio 2005; Hufty 2006; Cross and Freytes Frey 2007). These are the meeting points (actual or virtual) for the

different logics of actors concerned, in which agreements and differences take shape about which resolutions are strategically relevant for policy implementation. Thus identification of nodal points is an important analytical aspect in studying governance processes. This requires previous exploration of actors' perspectives and interests in order to identify the central conflicts that have the potential to block, modify or reshape a policy during its implementation.²¹ Each nodal point is characterised by a central stake, in reference to which different actors concerned interact (discuss, negotiate, build agreements, fight, etc.).

In light of this definition, some of the aspects that should be analysed in characterising a nodal point are: possible alliances of interests and perspectives, power asymmetries among actors, and interaction patterns. By studying these dynamic aspects, it is possible to comprehend the complexity of norms, the production process, social actors' constructions, and the definition and redefinition of the policy pursued.²²

A nodal point is a 'core concept' in the study of governance, since it allows for analysis of the complexity of interactions that take place during the implementation process. It also makes it possible to explore conflicts and alliances among actors and practices of conflict regulation.

The concept of *norms*, the third component in the framework, refers to the regulation of social practices, where social practices are considered as collective representations of appropriate behaviour within a given context. We interpret the concept broadly, including formally recognised norms – i.e. those that constitute legal or administrative bodies – as well as informal norms, i.e. those exhibited by actors' practices (Hufty 2004, 2006).

Nevertheless, considering this analytical framework, it is important to relate the concept of decentralisation to other analytical categories. Thus, we consider it necessary to point out that norms rule actors' constitutions, regulate interaction patterns, and are the stakes in nodal points. At the same time, different actors may subscribe to different normative patterns, and it is not possible to establish hierarchies between them in advance. In fact, the application of a certain normative pattern in a given context is a source of conflict among the actors concerned.

Regarding the fourth component of the analytical framework, i.e. the category of *process*, it has to be pointed out that governance itself is a process

and the other three elements are also traversed by processes: actors' constitutions, the dynamics of nodal points, and definition of norms. In any case, reconstructing the process of governance (as the regulation of the relationships among actors concerned with a certain social problem) requires, first of all, an analysis in order to comprehend the complexity of the interactions among actors that affect policy implementation (by individualising different nodal points). Second, it requires a synthesis to assess the influence of the particular dynamics in each nodal point on the results of the whole implementation process.

The analytical framework we have briefly presented will guide our discussion about the most important characteristics of the negotiation and formulation of the social plant project. We will concentrate our analysis on actors' identification and nodal point dynamics, considering the norms and processes involved.

3.3 Identification of actors concerned

In our case study, the provincial government of Buenos Aires plays a leading role. It took the initiative to transform residue management by stipulating urban solid waste management plants with a social dimension. This initiative required articulation among actors – governmental institutions, NGOs, social movements, municipalities, etc. – to tackle social and environmental aspects of the problem simultaneously.

Other key actors include national agencies. Even though the national government did not play a principal role in previous urban solid waste management, it is now responsible for a good portion of project financial support as social movements aim to become plant owners.²³

Municipalities are also concerned with this project. The decentralisation policy gives them the chance to regain some control over local waste management. However, they often have to negotiate with social movements about the plant's future control.

CEAMSE itself is a fourth important actor, as the institution entitled to and legally responsible for urban solid waste management. Most of the project's technical and operational aspects must be approved by this state enterprise, which supplies basic material (collected waste that needs to be sorted) and the land where the plant is placed.

In the case of the plant in question, ‘21 de septiembre’²⁴ is another central actor: it is supposed to operate the plant, organise *quemeros* for work, and guarantee the social and economic sustainability of the project in the long term. This organisation has a long history of social work in one of the poorest areas of Buenos Aires Province. It began its activities with the occupation of land that had formerly been an illegal dump – next door to a CEAMSE sanitary filling – in order to establish a neighbourhood on that site.

As a local social movement, ‘21 de septiembre’ undertakes a number of social and community activities in order to meet neighbours’ basic needs. Each day the organisation supplies two meals for 300 children living in extreme poverty. It also distributes clothing and manages some governmental food programmes and subsidies for poor unemployed people.

The main objective of the organisation is to build a ‘comprehensive community development’ in the neighbourhood, based on the principles of ‘autonomy’, ‘solidarity’ and ‘self-organisation’. In order to achieve this objective, it conducts workshops (according to ‘popular education methodology’) to strengthen local capacity for association, literacy campaigns for elderly people, provides educational and recreational activities for teenagers and children, and runs productive cooperatives for baking, dressmaking, carpentry, blacksmith operations and oven-building.

The organisation is composed of neighbourhood leaders and social activists, who are mostly women with children. Since this is an informal social movement, it is very difficult – even for its leaders – to specify the exact number of members. The participants vary according to the activities and circumstances.

Given the fact that the neighbourhood is located near CEAMSE’s main sanitary filling (Figure 1), most of its inhabitants are *quemeros*. Therefore, the organisation has always struggled to protect them from abuse by police and security guards. Thus it has started to promote the coordination of actions with other social leaders and small groups (who live in the vicinity of the sanitary filling) in order to build a ‘network of neighbourhoods’ to represent *quemeros*’ interests when dealing with CEAMSE and other governmental actors. That is why the organisation has become involved in the ‘Sin Desperdicios’ programme.



Fig. 1
A partial view of
the '21 de septiem-
bre' settlement,
near CEAMSE's
sanitary filling.
(Photo by Ada
Freytes Frey)

Together with these key actors, there is a group of minor actors which are relevant when it comes to dealing with certain aspects. They play roles related to technical issues and intermediation among the principal actors concerned. First, there are various NGOs oriented to environmental policies and social development.

Second, there is a group of political lobbyists with a considerable track record in local social work who participate in the negotiation process as intermediaries. Some of them also worked in previous projects related to urban solid waste management. This background makes them reliable in the eyes of '21 de septiembre' as *cartoneros* and *quemeros* supporters, and positions them as negotiators recognised by the public agencies and NGOs mentioned.

Third, as this scene of multiple actors with diverse interests (not always clearly articulated) and expertise often puzzles the principal leaders of '21 de septiembre', they summoned professional advisors to help them maintain a certain autonomy and support them in key aspects of the project.²⁵ Our team is part of this independent group of professionals, as we will discuss later.

Last but not least, we identified a very important actor in this process which we are going to call the '*quemeros* group'.²⁶ This is the group that will create a 'network of neighbourhoods' from which future plant workers will be recruited. Almost all of them are *quemeros* and live in the area. This group is made up of some '21 de septiembre' organisation members, informal clusters of neighbours who jointly go to the sanitary filling every day, as well as some other tiny groups led by members of traditional parties. Thus, they are far from constituting a homogeneous collective: they have neither the same engagement with the organisation nor the same objectives regarding the plant.

Obviously, the '*quemeros* group' is of fundamental importance for project implementation. The 'social' dimension of the plant and its impact on inhabitants' livelihoods, but also project sustainability itself, depend on how *quemeros* participation is defined. This group is, however, a collective actor 'under construction'. Our participation was oriented precisely to collaborating in this construction and strengthening process.

This enumeration of actors concerned gives us a glimpse of the complexity of the negotiation and decision-making processes around nodal points involved in the plant project.

3.4 Actors in motion: Nodal points identification

We have identified three types of nodal points in the dynamics of interaction, operating at different levels. The first type concerns the design of decentralisation policy. The second has to do with its implementation in the particular case presented in this paper. This type includes three specific nodal points: political negotiation with national and provincial governments, technical discussion with CEAMSE, and definition of '21 de septiembre' organisational strategy. The third type concerns local social interactions (in the neighbourhood): internal organisational dynamics and the constitution of the '*quemeros* group'. In the following paragraphs we examine the interactions related to each nodal point.

3.4.1 General negotiation on decentralisation policy

As stated above, the 'Sin Desperdicios' programme follows multidimensional objectives. It tackles social, environmental and commercial issues

simultaneously. The arrangements among these different objectives constitute the stake in this nodal point.

Considering the present CEAMSE monopoly on urban solid waste treatment in AMBA, CEAMSE managers regard the participation of other actors as something that ought to be controlled and limited. The most annoying among these actors would seem to be the *quemeros* and their organisations. The history of conflict and reciprocal suspicion, aggravated by some violent incidents in recent years,²⁷ makes it very difficult to imagine peaceful cohabitation. However, for some CEAMSE managers and engineers working in sanitary fillings, this social plant project is an opportunity to overcome daily conflicts, as a result of which they support the project to some extent.

For the provincial government of Buenos Aires, the challenge is to find a solution to the residue problem without increasing social unease. Officials are aware of the fact that *quemeros* work is, for several families, their last resort to avoid indigence. Thus, government officials aim not only to overcome the dispute over waste management but to create decent employment opportunities for neighbourhood inhabitants. Nevertheless, depending on the political constitution in each municipality and its relationship with local administrations, provincial functionaries exhibit different attitudes. They offer future plant management to municipalities or to social movements with an eye on political scenarios and possible alliances. In any case, this allows them to keep a certain level of control over the process since they will provide economic resources, specialised knowledge and coordination capabilities.

For municipalities, this social plant project is an opportunity to renew their participation in waste management and to work on solutions for the serious environmental and economic problem of final garbage disposal. However, the involvement of social movements appears to be regarded as a threat to their local authority and political support. At the same time, job creation and prevention of further social instability are desirable objectives for them, even if this means having to share the political benefits generated with social movements.

Two NGOs participated actively in programme design for 'Sin Desperdicios'. As mentioned above, the provincial officials who fostered this programme were former members of these NGOs. They seek to maintain their influence during implementation, in order to become the main suppliers of training and machinery (directly or as intermediaries).

Finally, the national government, represented by the Ministry of Social Development, is determined to replace ‘social plans’²⁸ – from which most *quemeros* families benefit – with sustainable community-based productive projects that create jobs for the present beneficiaries. Its economic support of the project is related to this objective.

The increasing relevance of social aspects of waste management in recent years has made local social movements and community-based organisations important actors in this scheme. In the social plant project analysed in this paper, *quemeros* organisation and mobilisation is a major political issue. As mentioned above, the neighbourhoods involved in the project are located near the largest sanitary filling in AMBA. Most of their inhabitants subsist on selling rubbish, and there are regular conflicts with CEAMSE guards. Therefore, any social plant project located in this district has to consider the participation of the *quemeros* social movement. The ‘21 de septiembre’ organisation’s history of struggle on behalf of *quemeros* rights positioned it as a suitable organisation to lead the project.

In contrast, the political distance between the national and provincial governments, on the one hand, and the mayor of the municipality concerned, on the other hand, blocked involvement by the local administration in the plant project. In fact, national and provincial officials preferred to support ‘21 de septiembre’ in assuming leadership of the project. That is why the municipality will not be present in further discussions.

3.4.2 Negotiations with national and provincial governments

We will now address the nodal point that reflects negotiations on the implementation of the social plant project presented in this paper.

At the beginning of the process in 2004, this nodal point was characterised by the participation of a few ‘21 de septiembre’ organisation leaders, political lobbyists and various national and provincial officials, some of whom had relations to foreign and national NGOs.

The stakes in this nodal point include the budget requirements to open the plant and the sources of this funding (percentages of the budget to be provided by each governmental agency involved). This also assumes that the general model of the plant will be discussed, as well as the number of workers to be recruited and the quality and quantity of solid waste to be processed.

At both national and provincial levels, there are technical staff with considerable experience in dealing with urban solid waste, each of which advocates a different plant model. Each agency attempts to secure its influence in the process by imposing its own design and definitions in every area (amount of money required, machinery specifications, number of workers, legal ownership regime, etc.). At the same time, they are interested in participating but at the lowest possible cost. Therefore, they strive to control the budget and the issues in which they are going to be involved.

As for '21 de septiembre', the key issue is obtaining financial support to open the plant as soon as possible. However, in order to assure the sustainability of the project, they need to guarantee a significant number of jobs to *quemereros* and make enough profit to be able to invest in social and communitarian activities, which is their main objective as an organisation. In what amounts to political lobbying, they need to confirm their skills to ensure that they can act as intermediaries among governmental and non-governmental actors. At the same time, they want to show their efficiency in getting the best conditions for future workers and their capacity to mitigate tensions between fund suppliers and policy beneficiaries.

It is important to bear in mind that governmental actors do not follow a unified logic of action. Functionaries from several national and provincial agencies intervene in the negotiations. Their different political alignments²⁹ have a direct influence on the confluence or divergence of interests. This can be a good opportunity for '21 de septiembre' to benefit from these tensions. At the same time, however, this situation is a source of instability in that political alliances undergo continual change and the project depends on certain electoral constellations.

Another aspect to stress after analysing this nodal point is that the distinction between state and civil society is not as clear as it seems in some theoretical discussions. In fact, as stated above, some provincial functionaries formerly worked in environmental NGOs. Once they became part of the government they had the chance to implement the visions and intervention strategies developed in those NGOs. This gives us a clue as to the influence of NGOs not only in defining the public agenda but in public policy design as well. At the same time, the plant project presented in this paper envisages active participation by two NGOs, in training activities and in supplying machinery.³⁰

In conclusion, it has to be said that the interactions in this nodal point are characterised by their disarticulation. Currently, parallel negotiations (i.e. '21 de septiembre' representatives meet separately with provincial officials from different agencies, and with provincial functionaries and national officials) are the usual procedure, which is highly worrisome for three reasons:

First, project progress is very difficult: the same issues are discussed with different national or provincial functionaries, who have different visions about them; at the same time, there is no coordination among these public officials.

Second, this process is a source of deep frustration, especially for '21 de septiembre' and the '*quemeros* group', given the continuous deferral of decisions. As explained above, *quemeros* constitute a population whose basic needs are not satisfied. At the same time, they are used to being ignored by public policy. That is why they hold a profound distrust of government and the state. This feeling was confirmed when the commencement of construction work on the plant kept being postponed.

Third, responsibility for the lack of coordination among actors is imputed to the '21 de septiembre' organisation. In fact, deferring project implementation generates tensions between the '*quemeros* group' and '21 de septiembre' leaders and members, since the latter are blamed for the deterioration of the project. Thus, our interpretation is that the difficulties of governmental agencies in assuming a coordinating role help to reinforce the idea that social organisations are unable to deal autonomously with a productive project. This is especially relevant if we consider that recent public initiatives to assist poor unemployed people have counted on the management capacities of organisations such as '21 de septiembre', to design and coordinate community-based productive projects.

3.4.3 Technical negotiations with CEAMSE

In this nodal point the intervening actors are mainly CEAMSE representatives, some '21 de septiembre' leaders and technical advisors, and a foreign NGO which has worked with this organisation for a long time. The agreements and conflicts that arise from these negotiations are sometimes discussed among organisation leaders on the one hand, and environmental NGO representatives on the other.

Discussions in this nodal point focus on the plant construction process (supervised by CEAMSE) and the technical requirements of waste classification: the amount of land donated and its location in the sanitary filling, the quality and quantity of basic material – urban solid waste – to be supplied, the storage place, plant sanitary conditions, etc. These are key features in determining an acceptable quality of life for workers and the sustainability of the plant in the long term. Thus, the core stake in this nodal point is control of the process of waste selection, classification and commercialisation.

In order to obtain the financial resources from the national and provincial governments to build the plant, the ‘21 de septiembre’ organisation must sign an agreement with CEAMSE, in which all technical details are to be settled. Given CEAMSE’s monopoly of urban solid waste treatment and its traditional suspicion of *quemeros*, its managers attempt to maintain control of the classification and recycling process. Consequently, they intend to introduce various clauses to secure their authority to supervise not only the technical characteristics of the plant’s working process but also its commercial and financial aspects.

On the other hand, ‘21 de septiembre’ strives to defend its autonomy, especially its right to manage the plant and to define its social utilities. Its resources in this unequal struggle include social and political capital: the threat to mobilise *quemeros* for public demonstrations and the pressure of the national and provincial governments, both of which want to realise the project.

Therefore, the outcome of these negotiations will determine the actual degree of decentralisation, i.e. the extent of the transfer of decision-making power to the social organisation. There is a second stake, however, that has a direct impact on population livelihood and sustainable environmental management: the definition of waste treatment as a private field of business or as a social issue. In fact, to address the ecological dimension of the urban solid waste management problem, CEAMSE has begun to build huge classification plants – besides the social plants – that will be run by private-sector enterprises. These are supposed to be more ‘efficient’ in economic terms but they do not take account of the social aspects of the problem, since they do not include local actors as social plants would do.

A final remark about the interactions in this nodal point: in discussions, provincial officials, political lobbyists, environmental NGO members appear as

advisors of the ‘21 de septiembre’ organisation, along with CEAMSE managers and engineers with technical knowledge. These multiple actors do not always share the same perspective. When they disagree, ‘21 de septiembre’ seems to be trapped in the tensions generated by opposing logics.

This is the reason why they seek to select advisors from among trustworthy independent professionals. In the following paragraphs, we will examine the limits of this strategy by analysing the dynamics of the relationships with these advisors, including our own group.

3.4.4 Definition of the ‘21 de septiembre’ organisational strategy

This nodal point concerns the ‘21 de septiembre’ effort to retain its autonomy by seeking to select advisors from among professionals who are considered reliable. These ‘independent professionals’ contribute expert knowledge to help design the organisation’s own vision of the social plant project. Therefore, the core stake in this nodal point is a strategy that would allow the organisation to firmly position itself in negotiations with other institutional actors.

The participating actors are a few ‘21 de septiembre’ organisation leaders, technical advisors, political lobbyists and our research team. Relations with ‘core group’ participants are very informal and subject to constant change.

Instability in the ‘core group’ affects the whole process of development, as it is very difficult to establish clear lines of competence. These dynamics prevent establishment of a consistent long-term strategy with respect to the other actors concerned. Our experience suggests that due to this pattern, a lot of energy is consumed by affirming the commitments and bonds within the ‘core group’.

Furthermore, the participating actors have different logics and perspectives, according to their experience, professional interests and responsibilities in the project. For instance, as for our team, and considering the objectives of our research project, we attempt to build participation and interaction skills among *quemeros*. The main preoccupation of other professionals, in contrast, is generation of economic benefits as a way of assuring the plant’s sustainability and strengthening ‘21 de septiembre’. In pursuing this objective, they do not give primary consideration to workers’ participation in the decision-making process.

These differences in vision, expertise and skill among advisors could represent an opportunity to open up a wide range of options, given the different aspects of the project (technical, social, political). Nevertheless, the ‘21 de septiembre’ interaction pattern is to meet separately with each group, tackling the same issues simultaneously with different advisors. This approach does not allow for generation of an integrated view of the process and prevents development of a solid and informed position in the other negotiation spaces. A quote from an interview we conducted with a ‘21 de septiembre’ leader illustrates this point:

Sometimes we feel overwhelmed, because we ask someone who says one thing and we think: ‘He’s right.’ Then we ask someone else and he says the opposite and we think: ‘He’s also right.’ ... And we cannot say which is the best option ... Since they are all friends it is very difficult for us to choose who is right. But then, when you are with CEAMSE functionaries, you think: ‘What should we ask for? How much do we need to demand?’ It is very tough!

In fact, since the organisation’s leaders do not feel able to synthesise diverse logics and choose from among the different options proposed, they often end up trapped by the contradictions of different conceptions.

One final problem is the instability of this ‘core group’. Relations between the organisation and each advisor are highly informal and affective.³¹ It is for this reason that the group of advisors changes from time to time.

3.4.5 The ‘21 de septiembre’ organisation as a nodal point

The ‘21 de septiembre’ organisation, like any collective actor, is characterised by inner dynamics that condition its forms of participation in different negotiation processes. Moreover, project discussion requires new activities; this adds to the existing workload of the organisation’s members. This extra work has an impact on daily activities, threatening the life of the organisation as a whole.

The distribution of responsibilities within the organisation is not always accompanied by proper circulation of information, which leads to coordination problems, misunderstandings and internal conflicts. With regard to the social plant project, these problems of communication have sometimes provoked a lack of articulation at different levels: organisation members

who are more actively involved in daily activities in the neighbourhood are unable either to discuss alternatives and the results of negotiations about the plant with other neighbours or to articulate their visions and demands in order to carry them on to the other negotiation spaces.

However, the plant project definition process urgently requires proper delimitation of responsibilities and a transparent decision-making procedure. This seems to be a key point, not only because of the significant amount of money the organisation is expected to manage but also because of the multiplicity of actors and interests involved in the process. Furthermore, organisation members realise that this exigency will be more marked when the plant is in operation.

We identified these issues as a result of our relationship with the different organisation members, our participation in some of the interaction spaces (both within the organisation and between the organisation and other actors concerned), and also because of the work we did with the '*quemeros* group' (discussed in the following paragraph). As a consequence, we held special workshops³² with organisation members with the objective of addressing the tensions that emerged during the process of plant project implementation as well as the different perspectives of the organisation's role in the social plant project.

On the basis of these workshops, we determined that the main source of conflict lies in how organisation members deal with this implementation process. The leaders in charge of negotiations sometimes feel overwhelmed by the responsibilities they have and they suffer from not being able to engage in their former daily occupations. Other organisation members experience the absence of their principal leaders as a problem, as they have to manage conflictive situations they do not feel prepared to deal with. They feel trapped: they do not have the information requested by '*quemeros* group' members, they think that they are not performing the social tasks they should, and they are not always able to carry out the activities related to the plant project for which they are responsible (such as organising assemblies, strengthening *quemeros* groups, etc.). Thus, lack of coordination appears as the symptom of a deeper problem.

These workshops, as well as a later one with *quemeros* groups and members of the '21 de septiembre' organisation, helped to create awareness about the need to improve the flow of information (Figure 2). Another positive result,

Fig. 2
'21 de septiembre'
leaders and future
plant workers at a
workshop: the
participants are
using geometrical
pieces of paper to
create a represen-
tation of the social
plant. (Photo by
Ada Freytes Frey)



which will be discussed in the next section, was the establishment of practices that permit the participation of future workers in negotiations with the national and provincial governments and CEAMSE.

3.4.6 'Quemeros group': The future plant's workers

As stated above, this informal group's main characteristic is its heterogeneity and the lack (or at least weakness) of the channels its members have for expressing their demands and expectations about the plant project. Thus, our activities in the workshops became an important nodal point in the process analysed, since they allowed the *quemeros* interested in the project to voice their opinions.

In this sense, the workshops became spaces suitable for building agreements and identifying controversies that needed to be resolved in order to avoid future conflicts that may hinder plant sustainability.

An evaluation of the work done so far permits us to declare that these workshops have been useful in three ways: first, in allowing expression of *que-*

meros aspirations and points of view; second, in identifying failures in the flow of information as a source of tension for the whole implementation process; and third, in building institutional capabilities to broaden *quemeros* participation in decision-making.³³

With regard to the first point, at the beginning of the process, the workshops were one of the few spaces where *quemeros* could express their views.³⁴ Thus, these workshops enabled us to identify common interests and basic agreements which are necessary to enhance *quemeros* involvement in the social plant project. Moreover, from the discussion in the workshops, a set of issues to be negotiated among the future workers emerged. These issues – which were not considered in other nodal points – seem to be a potential source of conflict among the future workers, since they have different views of them. Examples include task distribution in the plant, hierarchical organisation, workers' participation in taking strategic decisions (utilities administration and destination, admission of new workers) and family care support.³⁵

As for the second point, communication failures are found throughout the process. On the one hand, asymmetries in knowledge and access to information hinder the network-strengthening process. On the other hand, uncertainty about the '21 de septiembre' organisation's role in the future plant – which reflects its internal conflicts, as mentioned in the previous paragraph – is a source of tensions and misunderstandings.

Thus, at the beginning of our work on the social plant project, one of the responsibilities assumed by our team was to bring *quemeros* visions and demands (as expressed in the workshops) to the discussions held in other nodal points we took part in – especially with the group of advisors. Furthermore, given the problems in coordinating the different spaces for transmitting information, we encouraged the generation of common working spaces with both *quemeros* and organisation leaders and members.³⁶ This was a very interesting experience, as we could see how both groups – *quemeros* and '21 de septiembre' members – dealt with the issues and concepts discussed in the workshops to build agreements among them.

Finally, the workshops were also oriented towards improving *quemeros*' participation in decision-making about the social plant. Various models of organisation and decision-making were examined and discussed. At the end, this led to the selection of delegates who would represent the future workers

in every negotiation space (particularly in the negotiations with CEAMSE and with the national and provincial governments). Another result was the strengthening and enrichment of ‘neighbours’ assemblies’, which were valued as a space for flow of information and decision-making. The discussions started in the workshops were developed more fully in these assemblies held on a weekly basis.

However, the dynamics of this nodal point illustrate some issues mentioned above: the eroding effect that the delays and contradictions in public policy implementation have on the capacity for organisation in poor segments of society. Participation in these ‘neighbours’ assemblies’ declined after a few months, due to the lack of tangible results in negotiations and the differences about building the social plant.

3.5 Perspectives

We have analysed in this paper a negotiation process (still ongoing) that relates to a specific social plant. We have also studied ‘decentralisation in the making’. The application of an analytical framework of governance to the study of decentralisation policy has allowed us to reflect on the complexity of the social dynamics involved. As a matter of fact, the framework permitted us to comprehend the different logics of the actors involved – including our own – in the context of a public policy that seeks the encouragement of participation by civil society in public matters.

Examination of different nodal points makes it possible to establish critical issues at each level in which policy refinement and implementation are defined. However, the analytical strategy of considering each nodal point as endowed by its own internal logic of interaction must not lead to a loss of the integrity of the whole process. Indeed, we have shown how communication deficiencies and the lack of coordination among different actors and negotiation spaces hinder the social plant project under discussion.

A second important aspect is transfer of resources and power. The idea of decentralisation – particularly democratic decentralisation – implies open decision-making with respect to different logics and interests. Nevertheless, beyond discourse, the most powerful political and economic actors often try to profit from participation by local actors – i.e. to subordinate this participation to their own political or economic objectives – thus limiting

the actual scope of decentralisation. In the case examined, we observed this situation in CEAMSE's permanent efforts to maintain a high level of control over the plant. Moreover, some governmental officials attempted to impose project deadlines in line with their political or electoral schedules without considering the time it takes to conduct a participatory decision-making process.

In this sense, we consider that success in participatory decentralisation processes requires taking into account the complexity of building effective involvement in decision-making, especially among populations historically marginalised with respect to political participation. The discussion of the '*quemeros* group' nodal point illustrates this complexity, which, however, was underestimated in provincial policy, as this capacity building had not been considered as part of the project. On the contrary, the policy assumes the existence of social organisation and related management skills, which in this case were things to be developed and not a point of departure.

As discussed in the analysis of several nodal points,³⁷ social movements and community-based organisations often have to address tasks that exceed their technical and human capacities without receiving governmental support in terms of tools and resources, or even time. It is on such occasions that the discourse of democratic decentralisation hides the state's deficiencies in dealing with some of its responsibilities. In the case under study, we have seen how coordination and articulation duties – e.g. between the national and provincial governments or among governmental agencies and CEAMSE – depend on the action of social movements and the capacity to exert pressure. Thus, the '*21 de septiembre*' organisation would have to pay the local political costs if the project failed.

Furthermore, the whole process may sometimes lead to an indirect transfer of the resources destined for the most disadvantaged sectors to private actors. In fact, the respective organisation's failure to manage a social plant financed by the state may end in privatisation of this plant, which represents an absolute corruption of the programme's social objectives.

Hence this case discussion illustrates some aspects highlighted in the theoretical approach: decentralisation policies do not have a unified logic. This is even more true of policies that seek to enlarge participation by local civil society in decision-making. Incorporating new actors implies the multiplication of logics and interaction levels (as we have seen in some nodal points).

In consequence, the actual results of such a decentralisation policy in terms of sustainable management of natural resources and livelihood improvement depend on the resolution of governance problems which emerge from the complex processes of conflict and negotiation.

In the case of this social plant in AMBA, coordination problems among governmental agencies, the uncertainty of public policies and their dependency on electoral conjuncture, CEAMSE's intransigence in aspects related to its control faculties, the '21 de septiembre' organisation's difficulties in establishing long-term alliances and strategies, and the complexity of the tasks delegated to it are all factors that have been hindering policy implementation.

The results are clear: a year after the start of negotiations the plant has not yet been constructed.³⁸ Even if there have been considerable advances in definitions and neighbourhood network organisation, inhabitants' lives and conditions remain the same: they still subsist on what they can obtain in the sanitary filling, with the risks that this poses to their health and physical integrity (also considering that repressive activities against *quemeros* have been instigated). Moreover, the environmental problems remain unsolved.

Finally, we want to address the question about the impact of decentralisation policies on the legitimacy of democratic institutions. We think that there is no single answer to this matter as that impact depends on two things. First, there is the real political will of governmental authorities to open the decision-making process on substantial matters to local actors (including social movements and community leaders). Second, there is the capacity of social movements and leaders to represent local interests, views and values, and to ensure that they play an important part in the negotiation process.

Concerning the capability of social movements (or organisations) to represent the perspectives and interests of the local population, our study shows that such representativeness is a complex but possible construction. One experience with social movements in Argentina – of which '21 de septiembre' is an example – has been their ability to make visible and bring into political discussion the situation of marginalised populations. In fact, through political demonstrations and social organisation, they have incorporated the urgent needs and problems of these populations into the public agenda. Nevertheless, it must be pointed out that very often the political mobilisation of this sector is based on clientelistic political practices: poor people join social

movements in order to satisfy their basic needs. Nevertheless, the latter have the potential to foster more far-reaching processes of collective democratic organisation through activities such as training, reflection upon their living conditions, political discussion and participatory decision-making.

For our team, an enriching aspect of this participatory research experience has been the chance to collaborate in this organisational process using our professional skills. This type of involvement is based on a specific way of understanding our commitment as social scientists. We seek to articulate our professional practice in terms of the political construction of social actors, but without forgetting the specificity of our task: we are not activists but researchers who offer our knowledge and our capacities for comprehending the social scenery. The effort to develop an analytical understanding of the conflict and negotiation processes in which we were necessarily involved was part of the difficult aim of attaining a balance between research and action.

However, we think that the work we have done has helped to reinforce the weakest actors in this process. At the same time, we have learnt an important lesson from them about fighting for one's goals. Now that they have discovered their strength they will realise their plan and then a new process will begin. They will have to learn how to work together without a traditional boss, knowing that what they earn belongs to them and has a 'social' purpose. We will meet with them again at this point if they still want us to participate in the process.

Endnotes

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³ In the metropolitan area of Buenos Aires City, 5.5 million tons of residue are buried annually, which represents management of 470,000 tons of solid urban refuse a month. Source: CEAMSE. <http://www.estrucplan.com.ar/Secciones/Organismos/ceamse/CEAMSE.asp>; accessed on 10 December 2005.

⁴ Argentina is a federal republic. It is divided into 24 political districts: 23 provinces and the autonomous city of Buenos Aires (Argentina’s capital city). At the same time, each province is composed of municipalities, which have their own executive administrations (*intendentes*) and legislative bodies (*concejos deliberantes*). The metropolitan area of Buenos Aires City comprises the capital city and 19 nearby municipalities. The latter are part of Buenos Aires Province, the most important political district in Argentina, because of its population (38.13% of the country’s inhabitants, according to the last census, 2001) and economic power.

⁵ State Society for Ecological Coordination in Metropolitan Area.

⁶ Up to 1996 the mayor of Buenos Aires City was appointed by the President of Argentina. Owing to a change in the constitution, authorities are now elected directly by the citizens, whereas the national government elected the city’s representatives in the past.

⁷ The words in italics are native expressions that are part of the colloquial language used by the subjects of this study.

⁸ We have worked with Tarrow’s definition of social movements (1994). This author considers that ‘social movements’ are mobilised groups recruited across borders, engaged in sustained contentious interaction with powerholders. According to this definition, they are characterised by their low level of institutionalisation, which permits them to benefit from social networks they do not control. However, this situation is at the same time a source of instability.

⁹ During 2002 and 2003, Argentina experienced a profound political crisis. After the resignation of President De la Rúa, in December 2001, there were four presidents in a short period of months. These two years were characterised by a high degree of social conflict and political instability. Therefore, one of the main tasks of the new democratic government elected in 2003 was to find institutional ways to mitigate social conflict.

¹⁰ 'Nothing wasted'.

¹¹ The national and provincial governmental agencies have designated these plants as 'social' to differentiate them from the bigger private plants that are being built on CEAMSE's (Coordinación Ecológica Área Metropolitana Sociedad del Estado) land.

¹² Ministerio de Desarrollo Social de la Nación.

¹³ The initiative was started by officials of the provincial government linked to non-governmental organisations (NGOs) oriented towards environmental issues. When we began our research in 2005, the programme had recently begun. It was developed through 2005 and 2006, with various changes in the personnel responsible for its implementation and with all the problems of coordination reflected on in this article. Consequently, construction of the plants was delayed. Today, some of the 'social plants' have started to operate, and some are already having difficulties because there was no previous organisation of workers' groups.

¹⁴ The picketing organisations constitute one of the most important social movements to emerge in Argentina by the end of the 1990s. They are called *organizaciones piqueteras* (picketing organisations) in Spanish because of their main protest method: Blocking or picketing (*piquete*) streets and highways. They denounce the effects of neoliberal policies on the poor and impoverished sectors of society as well as the lack of accountability of traditional political representatives. As a result of their influence as political actors, they manage about 8% of the social resources channelled to poor, unemployed people (through what is called *planes sociales* [social plans]). One of their main characteristics is to be territorially referenced, so the 'neighbourhood' means not only the place in which they live, but their domain of political action.

¹⁵ The names of this organisation and subsequently mentioned NGOs have been changed to ensure the confidentiality promised to them.

¹⁶ In these neighbourhoods live about 1200 families in extreme poverty conditions.

¹⁷ We refer to the PAMS (Partnership Actions for Mitigating Syndromes of Global Change) – JACS SAM (Joint Areas of Case Studies South America) project 'Establishing coordination mechanisms among unemployed workers' productive micro-enterprises in Argentina', directed by Osvaldo Battistini, PhD.

¹⁸ 'Recovered factories' are former private companies subsequently controlled by workers following bankruptcy.

¹⁹ We are members of a research group ("Identity and Representation" area of the Labour Studies and Research Centre [Centro de Estudios e Investigaciones Laborales, CEIL–PIETTE]), directed by Osvaldo Battistini. Part of this group started to study picketing organisations and factory recovery processes in 2002. In 2004 we began collaboration with the National Centre of Competence in Research North-South (NCCR N-S), a long-term research programme implemented by the Swiss National Science Foundation (SNSF) and co-funded by the Swiss Agency for Development and Cooperation (SDC). This programme promotes research cooperation between, on the one hand, Swiss universities and research institutions and, on the other hand, 'Southern' counterparts organised in 'Joint Areas of Case Studies' (JACS). As members of the JACS SAM (South America), we first studied the movements concerned with organisation of picketing and recovering factories, as well as the relationships these movements developed with different levels of the state and other political and social actors (political parties, NGOs, trade unions). Second, we explored gender relations in these movements. This action-research project was the third developed in the framework of this cooperation, and it was based on the insights gained in the previous phases of our work.

- ²⁰ The data obtained in these activities were complemented by additional data gathered with more traditional techniques, i.e. documentary analysis, observation and in-depth interviews with governmental functionaries, NGO representatives and '21 de septiembre' organisation leaders and members.
- ²¹ As we have just indicated, identification of nodal points is an analytical activity based on empirical information about different actors' perspectives and interests, the actions they take regarding the process of policy implementation, and the relationships they develop with other actors. This makes it possible to individualise a set of critical issues for policy implementation which are the stakes of different actors' interactions. These interactions develop in time and in different places: In meetings, in formal or informal discussions, in public demonstrations, in mass media interventions, etc. The important questions at each nodal point are: What is the central stake? Which actors are implicated? What are their positions and objectives? Which strategies will they develop to achieve their goals? How will they interact with other actors? And finally, how will these dynamics affect the process of policy implementation?
- ²² It is important to point out that the first definition of the social problem and policy objectives can be reformulated along the interaction process. Besides, actors' constitutions can also change depending on the dynamics of negotiation.
- ²³ When municipalities have this responsibility, they also provide part of the funds.
- ²⁴ We will also call it 'the organisation' in the following paragraphs.
- ²⁵ We interpret the appeal for help to 'independent' professionals in this way as due to the fact that even though the '21 de septiembre' organisation has received numerous offers of technical support, from both the provincial government and NGOs, they decided to call upon advisors they contacted through people in whom they had confidence.
- ²⁶ This is our own designation: We dealt with this group in the first workshop (in the context of a PAMS project). They defined themselves as "a *quemeros* group seeking decent jobs who joined the project because they are fed up with being treated like animals".
- ²⁷ Diego Duarte's missing is a leading case in this conflict. He was trapped inside a waste mountain while he was picking up material in a CEAMSE sanitary filling and his body was never found. However, *quemeros* say they have daily conflicts with police and private guards. Sometimes they are even shot without any reason or warning.
- ²⁸ 'Social plans' are monthly subsidies of 150 Argentine Pesos (around USD 50) given to poor unemployed people by the national government.
- ²⁹ Although both national and provincial administrations belong to the same political party, internal party struggles have played a major role in this project. Moreover, there were national and provincial elections in 2005.
- ³⁰ Now that some of their former colleagues have been replaced, it is difficult to assess whether this change will affect the influence of these NGOs in the project.
- ³¹ For instance, in the interviews and informal conversations with '21 de septiembre' leaders we were told that the reason we were part of the 'core group' was mainly because they trusted us.
- ³² These workshops were organised as part of the action-research project, in response to the organisation's demands. We used a participatory methodology (Park 1992; Rodríguez Villasante 1994) in order to clarify organisational roles, communicational patterns and members' expectations of the social plant project.
- ³³ All of these workshops' effects are important from the point of view of this paper because they had a very strong impact on the general decision-making process regarding the social plant project.
- ³⁴ Another space with that characteristic were the 'neighbourhood network' assemblies.
- ³⁵ Women were particularly worried about that, since arrangements such as nurseries or daily shifts for those who have children at school are basic conditions for their inclusion as plant workers.

³⁶With this objective, we organised a workshop with *quemeros* and '21 de septiembre' leaders and members. These dynamics were then appropriated by the organisation to improve 'neighbours' assemblies', as is explained in the following paragraph of the main text.

³⁷Technical discussion with CEAMSE, definition of the '21 de septiembre' organisation's strategy in the 'core group' of advisors, and the organisation's inner dynamics.

³⁸We acknowledge that the democratic decentralisation process often takes a good deal of time to be implemented. However, we have to bear in mind that the seriousness of the social and environmental problems that the 'Sin Desperdicios' programme is meant to solve does not permit any further delay.

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4 Decentralisation, Social Movements and Peasant Municipality Management in Bolivia

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Abstract

In 1994, Bolivia embarked on a decentralisation course, starting with the approval of the *Ley de Participación Popular* (Law for Citizen Participation, LPP). This law has had a significant impact, especially on rural municipalities. Indeed, implementation of the LPP allows indigenous people and peasants both to elect their own municipal authorities and to be elected themselves as members of these authorities. In addition, the voice of these groups previously excluded from public management is beginning to be heard. Thus, the indigenous people and peasants in the 10 municipalities under study in the research presented in this paper developed successful strategies that enabled them to take control over their municipal governments. This happened because they did not accept the LPP passively – on the contrary. As is shown in this article, they took advantage of the options offered by the law to meet their own ends. We also analyse how indigenous people and peasants use municipal power – a new task for them which sometimes seems to lead to more deficiencies than accomplishments. Thus, although the municipal governments studied have been able to implement many projects thanks to their capacity to obtain financial support from international cooperation, this process is also leading to confrontation among communities, all of which want projects to be carried out in their communities. Other limitations in peasant and indigenous administration relate to the transparency of their actions, the accountability of public authorities and the level of popular participation.

Keywords: Decentralisation; social movements; elections; municipalities; regional issues; Bolivian Indian people.

4.1 Introduction

Until recently, Bolivia, like the majority of South American countries, was highly centralised and has now embarked on a decentralisation course that started with the approval of the *Ley de Participación Popular* (Law for Citizen Participation, LPP) in 1994.³ This trend began with a long process of deliberation. Regional movements, headed by the Pro Santa Cruz⁴ Civic Committee, introduced a number of decentralisation proposals in the 1980s. Likewise, political parties and government officials discussed legal measures for decentralisation. Alongside these processes, international organisations recommended the Bolivian Government to initiate a decentralisation process. So the Bolivian decentralisation process has come about as a result of both internal debates and external pressure in a context of increasing globalisation.⁵

International organisations like the World Bank and the United Nations Development Programme (UNDP) proposed decentralisation because of the benefits of this measure. Thede (2005) points out that, according to these international organisations, decentralisation processes “will enhance the efficiency of public services, political participation and transparency, while reducing corruption and mobilising new financial and human resources by bringing ‘voter consumers’ closer to government”.⁶

This positive vision of decentralisation turned out to be shared by the majority of international organisations, as well as the multilateral and bilateral cooperation agencies, non-governmental organisations (NGOs) and many scholars. However, there are a number of social scientists as well that have a negative vision of decentralisation. They

tend to focus on the potential pitfalls of decentralisation. They warn that decentralisation is a brainchild of neoliberalism (...) and claim that it is designed to unburden national government of costly social responsibilities, social fragmentation and political resistance, or the return to power of oppressive local elites.
(Thede 2005)

In the case of Bolivia, we also find these two opposing visions. Some scholars have highlighted the benefits of decentralisation, while others point out its weaknesses. There are also some who show the positive and negative aspects of this process.⁷ It is not the intention of this article to enter into this

debate. However, we would like to point out, along with Thede (2005), that “decentralisation can produce positive, negative or mixed results” (p 15). On the other hand, we must mention that the main reason for the disagreements in many studies is the theoretical framework applied, the control variables used and mainly the fact that Bolivia is a very heterogeneous country. In fact, the differences between municipalities are significant not only because of their size or population level, but also because of their economic capacity, their institutions, the political, social and union level of their organisations and ethnic differences, among other factors. Accordingly, the impact of globalisation on these municipalities is different. Our article presents some of the results of decentralisation, principally in 10 rural municipalities⁸ where indigenous and/or peasant organisations⁹ are strong and where the indigenous *Quechua* population is predominant. We are confident that the results of this research could be generalised for a large number of municipalities with similar characteristics, in other words, for some 100 out of Bolivia’s 327 municipalities.

Returning to the LPP, which is analysed in greater detail in the first part of this article, we must point out that this law has brought about the transfer of some of the central government competencies to the municipalities, which now cover not only urban areas, but also surrounding rural areas. It also sets out a series of norms that promote participation of the population in municipal matters.

This and other related laws have a significant impact, especially on rural municipalities, for through their implementation, indigenous people and peasants can elect their municipal authorities, and can themselves be elected as members of these authorities. Besides, through participation and participative planning processes, the voice of these groups once excluded from public management, is beginning to be heard.

In fact – and this is what we discuss in the second half of this paper – indigenous people and peasants in the ten municipalities under study developed successful strategies that enabled them to take control of their municipal governments. Previously, control was in the hands of the *pueblerino*¹⁰, who was aligned to the traditional political parties. Surely, this outcome had not been anticipated nor wished for by the government of Sanchez de Lozada (1993–1997) and subsequent neoliberal governments; according to them, the LPP should have allowed political parties to settle deeply in the country’s rural areas. This did not happen because the indigenous and peasant popula-

tion did not accept the LPP passively – on the contrary. As is shown in this article, they took advantage of the options offered by the law to meet their own ends. The LPP provides new possibilities to peasant unions and indigenous communities, inasmuch as appropriating and redesigning the law can empower their organisations. This proves that people use their agency (the capability of performing creatively from their sphere of life), power relationships, speeches, practices and strategies to allow a margin of manoeuvre in their actions; “there are no social systems completely regulated or controlled” (Crozier and Friedberg 1990). All stakeholders have free space to manoeuvre and address their actions, which does not mean, though, that they are completely autonomous. In other words, interventions are mediated, reinterpreted and transformed by stakeholders and institutions.

In the third part of this article, we analyse how indigenous and peasant people use municipal power, a new task for them which sometimes seems to have more deficiencies than accomplishments. Among these we could mention that the municipal governments studied have been able to implement many projects thanks to their capacity to obtain financial support from international cooperation. On the other hand, this process is leading them to confrontation among communities; they all want these projects to be carried out in their communities. Finally, we examine other limitations in peasant and indigenous administration with reference to the transparency of their actions, the accountability of public authorities and the level of popular participation.

4.2 Historical background

Among the many unresolved political issues that Bolivia has experienced since its foundation in 1825, there are two which stand out. Both have to do with power distribution at the different levels of government and among the diverse ethnic groups that Bolivia is comprised of.

4.2.1 The regional issue¹¹

The discussion on the distribution of power at different state levels has a long history. Sometimes even the struggle for decentralisation caused bloody confrontations. For example, during the civil war of 1899, advocates of centralism fought against forces that promoted federalism.¹² However, the current process of decentralisation can be traced without going too far back in history, as the LPP was approved in 1994.

Why did it happen then? There is not a single answer. We agree with Kohl (1999), who says that the privatisation process could not have been carried out without implementing decentralisation at the same time, with the characteristics that we will soon see. With this in mind, some left-wing groups were neutralised and co-opted, such as the Bolivia Free Movement and Socialist Party.

On the other hand, the *Movimiento Nacionalista Revolucionario* (Nationalist Revolutionary Movement, MNR), in power at that time, tried to respond to some indigenous and peasant demands and hoped to satisfy them by offering them local power. The new municipal governments were granted some resources to respond to rural inhabitants' immediate demands. Also, the MNR attempted to respond to the clamorous demand for decentralisation which was led by the Pro Santa Cruz Civic Committee and which also came from different regions of Bolivia.¹³

In addition, at the beginning of the 1990s and particularly after the anniversary celebrations of 500 years since the discovery of America (1992), the indigenous issue was on the agenda of several international institutions. At the same time, in terms of participation and the struggle against poverty, several studies showed that the 'neoliberal' model was not producing any results and that, on the contrary, inequities were increasing. Therefore, international organisations promoted decentralisation and citizen participation as mechanisms of the struggle against poverty.

Finally, but no less important, the ongoing globalisation process weakened national states, that lost competence both upwards, particularly towards international financing bodies, and downwards, especially towards the municipalities. So, paradoxically, globalisation redefines what is local, to which is added the expansion of transnational enterprises, which need increasing, more flexible and efficient local spaces (Sassen 1998, 2003). Decentralisation is, therefore, the result of the confluence of several elements: internal factors, external impositions¹⁴ mainly from the World Bank and the International Monetary Fund, and a context of increasing globalisation.

The decentralisation process in Bolivia begins with the approval of the LPP. But, what does this law entail? Firstly, it produces the municipalisation of national territory. Previously, the rural areas did not have any reference to local power. Now they have a municipality. Secondly, the LPP grants new attributions, competences and functions to municipalities. Among other

things, municipalities now have to manage, improve and maintain existing infrastructures and build new ones in the health, education, culture and sports areas. On the other hand, municipalities are currently in charge of the development of their territory, and are under the obligation to take account of women's¹⁵ demands.

Thirdly, the LPP redistributes national tributary income (taxes received). Currently 20% of it goes to the municipalities. These resources granted by the national government are known as 'tributary co-participation'. Besides, the municipalities have their 'own resources' that come from certain municipal taxes. Also, the municipalities have other resources at their disposal that come from national development funds or from international cooperation.¹⁶

Fourthly, the LPP promotes popular participation through the recognition of the *Organizaciones Territoriales de Base* (grassroots territorial organisations, OTBs), such as neighbourhood assemblies, indigenous communities or peasant unions.¹⁷ Among their functions, they have the authority to propose, demand, control and supervise municipal works and services in accordance with communal needs. As to their duties, they have to identify and give priority to the execution of projects. They also have to participate (i.e. give time and free work for maintenance) in the management of public services.

Finally, the LPP establishes social control through the *Comite de Vigilancia* (Monitoring Committee, CV), which is elected by the OTBs. It constitutes the link between municipal authorities and civil society; more particularly, it has to ensure that municipal resources are invested in an equitable way in municipal urban and rural areas, as well as appropriate management of the municipality budget. In the case of inappropriate handling of funds, it can request the national parliament to freeze municipal accounts.

In short, the LPP envisages a decentralisation process which has certain peculiarities in relation to other Latin American countries. Thus, decentralisation processes grant certain attributions, functions and competences to lower-level government – mainly basic services – with a view to improving the efficiency of the state. Also, the new local government should play a more active role, becoming the generator of local development.¹⁸ In order for local governments to assume their new competences, they are granted certain economic resources. This is quite common to the current decentralisation processes in various Latin American countries.¹⁹

Furthermore, we expect to achieve greater social control for, as state and citizens become closer, it is assumed that the population will control public institutions more efficiently. Finally, decentralisation should open up possibilities to participate through the municipal participative planning process. The difference between the Bolivian case and other decentralisation processes lies in these two last aspects as Bolivia created a very concrete mechanism of social control, and participation by law, which seems to be unique in South America.²⁰

Participative planning, that became compulsory through the 1999 Law of Municipalities,²¹ is the instrument through which it is hoped to promote social mobilisation and the participation of all stakeholders, particularly the OTBs and the Monitoring Committee, which, together with municipal technicians and supporting institutions, must elaborate a municipal appraisal, identifying the problems and needs of the people. Following this appraisal, and based on citizen demands, the municipal government elaborates a development strategy and, more specifically, the public works and projects to be implemented by the mayor's office. All these things are included in the *Plan de Desarrollo Municipal* (Municipal Development Plan, PDM), which has a five-year horizon. This means that at each new election, the municipal government should update its PDM, which constitutes its government programme.

Through participative planning, the performance of the municipal government has changed considerably. We have moved from management where decisions are taken and project prioritisation is done by the mayor's office in a unilateral manner, to management where the scenario is wider, "composed of several actors (public, private, and voluntary) who are related to one other and who negotiate with each other when engaging in local politics and projects" (Centellas and Navarro 2004).

4.2.2 The indigenous issue

Bolivian history has been marked by white and mestizo domination over the indigenous and peasant communities and people. This began during the colonial period and continued through the Republican era, making the people serfs of the landowners, in the course of which they were treated almost like slaves. On the other hand, community land was constantly sought after by landowners, who little by little increased their large estates through laws and base tricks, stealing land from the indigenous people.²² Besides, indigenous people were obliged to pay high taxes, which, at the beginning of the Republican era, was the main source of income for the government. Refer-

ring to this situation, Zabaleta (1992) declares that in those days Bolivia was a state at constant war with its people. This situation only started to change after the 1952 revolution.

This was a revolution that completely modified the social and economic structures of Bolivia, starting with land reform and freeing the peasants from the yoke of the large estates.²³ This revolution was the work of a political party, the MNR, and of powerful miners' unions. Indigenous resistance was an important additional element which contributed to the ousting of the oligarchic government of those days. In fact, the indigenous people's resistance has marked Bolivian history and, accordingly, numerous uprisings have taken place throughout Bolivia.

Instead of reviewing all this history, it is sufficient to indicate some important milestones of the recent peasant/indigenous resistance. At the end of 1979, the first Congress of Peasants' Unity was held, from which emerged the powerful *Confederación Sindical Unica de trabajadores Campesinos de Bolivia* (Unique Confederated Union of Peasant Workers of Bolivia, CSUTCB). It played a very important role in resistance to the military coup d'état of Colonel Natusch (1979). Afterwards, its contribution to the restoration of democracy was decisive. Along with the *Central Obrera Boliviana* (Bolivian Workers Union, COB) the CSUTCB was an organisation with independent union leadership that sought political self-determination of the popular movement (Rivera 1984, pp 155 ff.).

On the other hand, in 1990 the indigenous Amazon population of the eastern part of Bolivia organised a march for 'Territory and Dignity', thereby making its voice heard. As Molina and Arias (1996) eloquently affirm: "The whole country was shaken when they discovered that indigenous people exist not only in books or television, but alive and their presence was imposing". Moreover, the surprise was greater because the marchers were not asking for land (principal claim of the CSUTCB), but "respect for, and consolidation of their territories". They

did not want their unions to be recognised but their councils, and other proper ways of organisation (...) Besides that, however, they did not call themselves Indians or peasants, but 'indigenous peoples'. This march marked a fundamental milestone in the struggle of indigenous movements and the acknowledgement of their territory.
(p 5)

When the LPP was passed, the indigenous peasant movement was organised with significant levels of autonomy in relation to the state and traditional political parties. Therefore, the LPP opens up new horizons for this movement, which will enable it to fight local elites for local power. Besides, it has begun to build its own 'political instrument'. Furthermore, internal factors such as the new generation of peasant leaders who were involved in political and unionist activities, allow for a strong surge of the indigenous peasant movement and the smart use of the LPP to strengthen their organisations.

Before 1994, municipal power was based on the hegemony of traditional political parties and the elites from small towns. Where patronage and paternalist practices dominated, indigenous organisations were vulnerable to co-opting, with leaders 'paid' to support certain candidates, who were usually related to the government in office.

In the municipal election of 1995 and with the LPP approved, the situation changed. Traditional political parties and indigenous movements began to contend for the control of mayor's offices. In some cases, the participation of indigenous people took place through traditional parties such as the MNR. This situation implied mutual use: parties co-opting leaders but with organisations inserting their own representatives. In other cases, another faction of the indigenous movement made agreements with small political parties. For instance, in Cochabamba the 'United Left Wing' was the political instrument of indigenous unions seeking to take over the municipalities of the tropics of Cochabamba. This strategy proved successful as peasants and indigenous people won the elections in those municipalities.

However, the association with the United Left Wing was not ideal for the peasant/indigenous movement; therefore they tried to construct a political instrument of their own.²⁴ At the beginning, they tried to create a political party named the Assembly for the Sovereignty of Nations, which was not recognised by the National Electoral Court. Therefore, in the municipal elections of 1999, Evo Morales (the leader of the movement) and his followers decided to adopt the name *Movimiento al Socialismo* (Movement towards Socialism, MAS).²⁵ In these elections, MAS did not win many votes at the national level but in Cochabamba, at a regional level, it achieved an outstanding result (more than 10% of the votes), winning eleven mayor's offices in municipalities such as Villa Tunari, Tapacarí, Morochata and Pojo.

The growth of MAS in the new century continued in an impressive manner. In the presidential elections of 2002, the showing of MAS at the national level was outstanding, emerging in second place with 20% of the votes, only 2% behind the MNR, which won the elections. This important result allowed MAS to send 27 members to parliament. In the municipal elections of 2004, MAS emerged as the leading political force in the country, and in the presidential elections of 2005, it won the absolute majority (54% of the votes), allowing its leader, Evo Morales, to become President of Bolivia. This electoral accomplishment was repeated in the election of constituents in June 2006.²⁶

4.3 Indigenous strategies in the take-over of municipal government

The political emergence of peasant and indigenous people is the result of a long history, which in the last few years was facilitated by the spaces generated by the LPP. When peasants understood that municipalities could provide them with benefits, they not only participated in elections using their right to vote but fielded their own candidates, thus strengthening their own political instruments. In this sense, different municipal elections brought about the inclusion of peasants in local spaces, which would transform the relationships of power. Their presence in the Monitoring Committees is an additional tool to making local government more democratic. The exercise of the social control functions of the Monitoring Committees makes the actions of municipal governments more transparent.

The arrival of indigenous people and peasants to municipal power may be understood in two dimensions: the first one in political terms, and the second one with relation to racism and exclusion. This last point is fundamental, mainly in the perspective of a long history. The inclusion of peasant and indigenous people in society is a demand which has been largely postponed. It concerns a majority sector of Bolivian society that has historically been excluded from the benefits of state economic growth. Nowadays, it is part of a process of interpretation in local spaces that allows them to get closer to the state (Figure 1). This process entails the destruction and rebuilding of the state from the community level, from the world of the excluded. Therefore, we can talk of an updating of relationships between state and society.



Fig. 1
Women from
North Potosí
exercising their
citizen rights in
the framework
of municipal
participatory
planning. (Photo
by Fernando
Antezana)

A paradigmatic municipality in the breakdown of the old 'exclusive' vision is Tacopaya. The most visible head of the local elite is Juan Ortuño (eternal mayor, former landowner who has a large family network), who was in office for more than 14 years, before and after the implementation of the LPP. In 1993, some technicians²⁷ were witnesses of how Ortuño struck indigenous people with "whips" on the main street of the town.

In 1998, a conflict arose within the Tacopaya municipal government because Ortuño refused to present reports. It ended in a breakdown of the 'long-lasting history' that used patronage and paternalistic practices as instruments to create relationships of domination. The fight and struggle between indigenous people and the Ortuño group lasted almost a year. The conflict took an unexpected turn when Ortuño organised a parallel Monitoring Committee. This action precipitated his fall.

For months, the indigenous people did not let Mayor Ortuño into Tacopaya, guarding the river boundaries. This resulted in a lawsuit against the indigenous people's main leaders. Instead of splitting the indigenous movement, this fortified it. Community members told the Tacopaya ex-patriarch that the days of his kingdom were over and that it was 'their turn' and that from now on indigenous people would make decisions in a democratic manner. Ortuño had to leave and abandon everything due to the social pressure, even his Municipality Councillor's functions.

Now we will briefly discuss how the indigenous and peasant movement took power in many municipalities of the Cochabamba and Potosí departments. The strategies employed by indigenous people to get their representatives into municipal government varied but even so, in all cases strategies were based on their own social organisations. It is the foundation and key means of the indigenous movement. In terms of the development of power devices, we can observe how they got their representatives elected, mobilising resources (material and non-material) and creating alliances with other actors (before and after elections). These new power strategies have the peculiarity of combining 'modern' power devices with traditional ones.

Analysing, for instance, the way in which electoral candidates are chosen in the municipalities under study²⁸ shows that indigenous people choose their candidates in democratic spaces such as the assemblies of indigenous organisations. Those are spaces of negotiation and for constructing collective decisions in a more democratic manner, "oriented for deepening democracy viewed as a regimen", which is understood as the capacity of society to decide for itself (Castoriadis 1996, p 13).

Before implementing the LPP, the conventional way of nominating representatives was mainly through a political party. This does not obviate the use of spaces such as organisations and assemblies, but these were manipulated and instrumented by the political parties.

In the municipal elections of 1995 and 1999, the communities strategically used the heart of their indigenous organisation and the assembly for the selection of their representatives, a way that has proved its worth in most of the cases analysed, except for Capinota where the selection of representatives is still done through a political party. Traditional political parties are still strong in this municipality. Figure 2 shows the progression of the peasants and indigenous people culminating in the take-over of the municipality council. That happened to the detriment of local elites, usually whites or *mestizos*, who lived in a small town.

The municipal election of 2004 was peculiar. Starting with the modification of the electoral code,²⁹ the monopoly of the political system as the only means of access to the municipal government has been broken down. In each municipality, the impact was different. For example, in the case of the Bolívar municipality (Department of Cochabamba), the peasants' union organisation decided to support MAS, while representatives of the *Ayllu*³⁰ present-

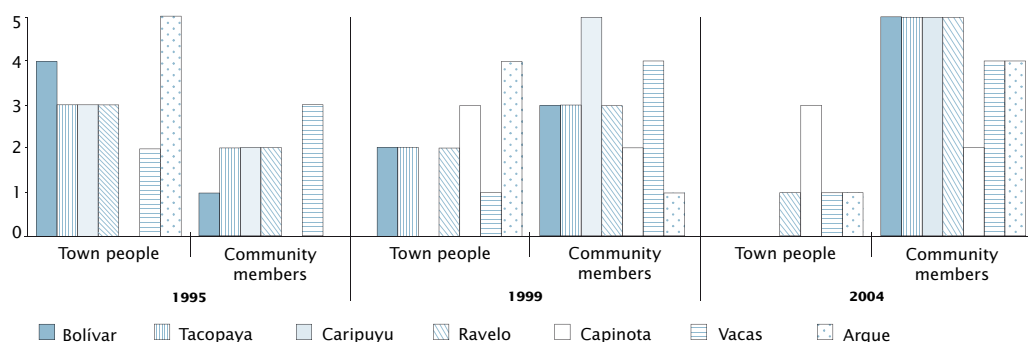


Fig. 2
Number of Municipality Councillors elected, according to ethnic group. "Town people" refers to mestizos living in the towns, while "community members" include indigenous people and peasants.

Source: Prepared by authors based on interviews with key informants during field work.

ed themselves as "indigenous people", in order not to have to be in a political party. Despite this division, both the peasants' union and the *Ayllu* managed to get their representatives elected.

In the case of north Potosí,³¹ the process was very special. Different indigenous groups fought to gain local power and these divisions created conflicts within the indigenous organisations. Surprisingly, various indigenous factions decided to campaign for the elections separately. Why were indigenous people divided and why did they support different parties? In many municipalities, such as Colquechaca, Ocurí, Pocoata and Sacaca, the indigenous people had their own candidates elected in assemblies and based on the MAS-MOP³² alliance. Nevertheless, at the end of the electoral process, when finalising the candidate lists, MAS unilaterally disregarded the lists of elected representatives and imposed its own representatives in the four municipalities. Due to this situation, the indigenous people went with other left-wing political parties such as the *Movimiento Indígena Pachakuti* (Indigenous Movement Pachakuti, MIP) and the *Movimiento Sin Miedo* (Movement Without Fear, MSM).

The indigenous people recorded an unquestionable victory. 70% of councillors elected were communal, and in many cases such as that of the Municipality of Arampampa, they achieved an absolute majority; of five elected councillors, four were indigenous. This constitutes reinforcement and affirmation of what is indigenous within the local government, in the fight to be part of the local power spaces.

What is the impact of these events? An example is provided by the municipalities of Colquechaca, Ocurí, Ravelo and Pocoata, territories that before and after introduction of the LPP were working zones of the *Instituto Politécnico Tupak Katari* (IPTK), a non-governmental organisation of the *Movimiento Bolivia Libre* (Movement for a free Bolivia, MBL), a left-wing political party. Indigenous people got their representatives elected to the Municipal Council through alliances between MAS, MIP and MSM. This led to a wide-spread reaction by citizens from the towns against indigenous people. Consider, for example, what happened in the Municipality of Ocurí, where an indigenous woman councillor³³ went to a town store. As is the custom, she said, “Good afternoon *tia*”³⁴. The owner of the store answered, “Am I your aunt? Do I have the face of a peasant or *lar*”³⁵? Go and call aunt someone of your class. I am not your aunt, and I don’t care whether you are an authority member. You are what you are ...”

This example gives evidence of the contempt for indigenous authority members in these and other, similar municipalities in Bolivia. The exclusion of, and contempt for, anything related to indigenous people is still in force as part of the long history of Bolivia, of a state that is racist and excludes its indigenous people. Here, the paradox is that since 1995 indigenous people have been in municipal government. In the past, however, they were sponsored by the MBL and the IPTK, therefore discrimination against indigenous authority members was less evident. In those days, indigenous representatives were managed and advised by technicians. This situation has now changed, because the correlation of power is different. Neither the IPTK nor the MBL now have the possibility of influencing indigenous representatives.

Nevertheless, the long history is still being recalled by people who live in small towns. The march of indigenous people to capture and hold municipal power is an irreversible process. In the current situation, it will not be easy to influence indigenous people; there is a lot of strength in the indigenous organisations that is shown in meetings such as Municipal Development Councils³⁶ – similar to the *Consejo de Participación Popular* (Council of Citizen Participation, CPP) of the municipalities of the south-west of Cochabamba – where the indigenous people consolidated their power against the town people. Such multiple spaces have recently begun appearing in north Potosí.³⁷

With regard to the mobilisation of resources for election campaigns, it is clear that political parties are the main sources of financing. Nevertheless,

this fact does not obviate the capability of social organisations to mobilise their own resources. We observed a substantial increase in the financial contributions made by unions or peasant organisations.

As to the flow of information, there still is a kind of monopoly held by the political parties, even though social organisations have shown their capacity to generate more autonomous information channels. Another, equally important source of financing for the electoral processes is represented by institutions with a presence in the municipalities. This support is translated into financial, material and human resources. Political parties mainly provide support in the form of financial and material resources.

In contrast to the municipalities of north Potosí, where the presence of town people is maintained in the municipalities of the region, in the south-west of Cochabamba, all that is indigenous has been imposed, as a result of strategies adopted to eliminate town people little by little from local power.

4.4 Indigenous and peasant municipal administration

In our analysis of peasant municipal administrations, we start with one of the positive aspects of those administrations, that is their capacity to obtain more resources for their municipalities. This can be observed in the municipality budget. The tributary co-participation resource that is automatically given by the central government to the municipalities represents (in the majority of the cases studied) less than 46% of the municipality budget. On the other hand, the greater part of the resources administered by municipal governments comes from international cooperation and from different development funds managed by the central government. It is important to note that to obtain those resources municipalities must present well-done development projects to satisfy the conditions set by international donors and government agencies.

From 1999 to 2003, some municipalities like Arque, Tacopaya and Bolívar showed a significant capacity to diversify their sources of financing, as they do not only administrate the tributary co-participation funds. More than 70% of their budgets come from international cooperation and from government development funds. In Vacas, on the other hand, international cooperation had a more modest share (see Table 1). Thus, in some municipalities, the authori-

Table 1

Municipal resources from 1999 to 2003, according to financing sources (in percentages).	Municipality	Tributary co-participation	Own resources	International cooperation and national funds
	Arque	12.9	0.2	86.9
	Tacopaya	14.5	0.2	85.3
	Bolívar	26.2	0.6	73.3
	Caripuyo	32.1	0.4	67.5
	Morochata	35.2	0.3	64.5
	Ravelo	41.9	0.5	57.6
	Villa Tunari	42.1	2.7	55.2
	Pojo	45.8	3.5	50.7
Source: Municipal yearly planning.	Vacas	60.2	0.9	38.8

ties – whether indigenous or not – have the capacity to access more cooperation funding than others; this depends on the ability of the authorities to present projects and to nurture good relations with international funding agencies.

Those municipalities, on the other hand, that have not managed to build the capacity to develop their own resources, instead institutionalise tax collection. Villa Tunari and Pojo are the municipalities which collect the most while in the other municipalities tax collection does not reach 1% of their respective total budgets.

To summarise, the management of municipal finances is not limited to administration of co-participation resources; significant efforts are made to tap other sources of financing, since municipal governments are not collecting taxes from their own constituencies. With these additional funds, the municipal governments can meet communities' demands through better project implementation. This does not prevent their continued dependence on external resources (central government and international aid) in the medium to long term.

Even with more resources, the problem with execution of projects is that the needs of the population are enormous. Processes of municipal government intervention generate communal and inter-communal conflicts as a result of the execution of projects, and because families and communities compete

for projects and their benefits. This situation contributes to a greater atomisation of communities and social organisations at the communal and supra-communal levels.

Competition for projects is also due to the fact that they not only have an economic and social function but also represent resources to construct status and prestige of the communities (Antezana 2006). This situation causes conflicts between communities and within them, be they indigenous communities or mestizo municipalities. In the case of indigenous communities (or mixed communities), however, envy in the Andean conception of the term does not necessarily mean the same as in the Western conception but is part of an affirmation of identity in terms of culture and custom; besides, it also has to do with *atiy* (quality, strength, power): “There is circumspection between communities at CPP meetings: There we don’t say ‘in that community there are already a lot of projects, in ours none’. Instead we say that we have to mobilise ourselves and build pressure to get at least some projects from the local government” (Cirilo Thola, Carpani community, Municipality of Bolívar).³⁸

Conflicts concerning the projects are not only present in the inter-community ambit but also in the community space, as some witnesses indicate: “In the community, the drinking water system is public, four or five families get it from one tap. So one family washes or takes a lot of water, so ‘he is the only one getting any, we don’t’, well that’s how it is, envy” (Zenón Puma, Angostura Grande community, Municipality of Tacopaya). In this perspective, the municipal government should not ignore the existence of conflicts; in fact, municipal administration is conflict management.

One way to avoid conflicts is the consolidation of spaces, like the CPP or the Summits.³⁹ These scenarios constitute spaces for negotiation and collective social monitoring for the “political and social arena” (Antezana 2006, p 222): “The CPP helps us community members to know if work is done according to the annual planning. So we not only know about our community but the whole municipality. But it is also to know if the mayor is cheating, so it is a very important way for us to be informed” (Pablo Cruz, Payota community, Municipality of Bolívar). Here, the presence (hegemony) of the peasants in municipal administration is clear and also the emergence of new forms of power. At the present time, the presence of peasants in the CPPs is massive, which community members use very well for the purpose of collective control of municipal administration, in that they limit the power of their municipal authorities.

The topic of the transparency of peasant administration focuses on authorities' reporting. People assume that transparent local administration is due to the availability of better information from the municipal government (municipal council, mayor), Monitoring Committee and other municipal institutions. Information is crucial in improving the level and quality of participation. People want to be informed of progress on the works and the implementation of the annual planning. If they have such information, they can carry out monitoring of demands, as well as social control. In the majority of the municipalities under study, the flows of information are still insufficient because the information tends to stay at the leadership level.

Other topics concern participative municipal planning. The LPP promotes the elaboration, adjustment and evaluation of the PDM and especially of the annual planning by encouraging the participation of all the citizens in the municipality. It is an instance in which the demands of the communities are prioritised, as well as a guide for the authorities' actions. Although it cannot be confirmed that peasant municipal administration has directly contributed to the institutionalisation and consolidation of these spaces, we can nevertheless point out that at least their actions have not been directed at making them illegitimate.

Participation of civil society – i.e. peasant and indigenous people organisations in the rural areas, and neighbourhood associations in the urban areas – is undoubtedly the central nucleus of the LPP and is in direct relation to the deepening of the democratic processes (Antezana 2003). In the Andean communities, participation is clearly visible when people feel that their action guarantees the expansion of collective – but also individual – resources, and in this sense participation can be regarded as part of the construction of identity which reinforces the social group without being an end in itself, but simply a means to achieve certain objectives.

Through participative municipal planning, the LPP has instituted a set of procedures and planning techniques. The elaboration of the PDM and the annual plan is part of the application of planning methodologies. Four stakeholders participate: community members, town people, institutions and Monitoring Committees. Undoubtedly the principal stakeholders in the elaboration of the PDM are the community members: “We first think about our community, looking at how we are and how we could be in the future, that’s how we prepare the PDM. Several demands arise from this: agriculture, ranching, organisation ...” (Felix Achu, Municipality of Caripuyo).

Analysing the characteristics and quality of participation, we conclude that the community members actively participate in the appraisal and elaboration of demands – through participation in workshops where sets of community plans are elaborated (Bolívar, Tacopaya and Bolívar) – carry out appraisals and collect demands. The first generation of PDM placed very little emphasis on gender participation, but this is changing. In some municipalities, e.g. Vacas and Villa Tunari, the community members, especially women, participate partially. The level of participation is limited to voicing some demands in the Summits/CPPs. Institutions also have a protagonist role in the elaboration of the PDM and in some way are the technical advisors and facilitators of the process. The participation of the Monitoring Committees has been irregular and they only accomplish part of their duties. The members of the Monitoring Committees show more active participation when it comes to prioritising demands in the Summits/CPPs.

The elaboration of the annual planning involves the greater part of society; they are highly participative events with discussion and negotiation, for the communities here have the possibility of registering and prioritising their demands. Although to allocate priorities to the demands does not necessarily imply agreement, some filters are in place (technical, political, budgetary and other mechanisms) which make sure that the priorities are those defined by the authorities. That could change if the communities had the capacity to exert pressure and/or build alliances. Although there are spaces for the construction of consensus in the elaboration of an ‘agreed annual plan’, in the last instance it is other instances (political, technical, economic, etc.) that define what to execute, and at what time.

There are yet other conflicts between the municipal administration and the peasant organisations. The agrarian unions maintain diverse disputes, particularly on topics related to administrative ‘accountability’. In spite of being able to count on peasant hegemony, the criticisms of authorities made by the organisations refer to problems of corruption, scant transparency in the planning and implementation of projects, hence demanding greater participation in public administration.

In the municipalities indicated, there is a scarcity of ‘accountability’, that is to say, parts of their governing bodies do not feel obliged, nor do they have the responsibility to inform society, or if they do, it does not necessarily comply with the quality, timing and frequency required. Reports are generally given only on request. Financial reporting is not part of the political

culture of the municipal government. Financial reporting is provided orally, more a part of bureaucratic ritual than an instrument of public administration. Spaces for public deliberation are therefore only partially utilised, which shows that there is still no culture of socialising information in the municipalities under study.

With respect to the topic of corruption – the individual or collective enrichment by the illicit appropriation of public funds – it is worth pointing out that the near elimination of the traditional political parties following the implementation of the LPP has not brought about any greater changes. The new party system has not yet overcome political patronage and the logic of conferring public funds as benefits.⁴⁰

Social control in municipal administration constitutes a device which seeks to make municipal administration more transparent but which also tries to involve society through the Monitoring Committees. Many researchers are of the opinion that social control represents great progress in terms of local administration transparency. Nevertheless, in the municipalities under study, social control has been insufficient due to many factors, primarily the difficulty of getting sufficient information; moreover, the lack of certain kinds of knowledge makes monitoring difficult. “The Monitoring Committee represents the peasant people ..., supervising all public works. But they need a little more knowledge, for this reason they do not oversee; it is not as if we are engineers or architects: if we were like them, we would oversee better” (Maximiliano Leque, Payota community, Municipality of Tacopaya).

One of the problems facing Monitoring Committees is information referring to progress on the implementation of public works, for it is assumed that adequate information contributes to better control over the execution of public works. Other issues concern the analysis of economic information coming from the municipal government. Most of the members of the Monitoring Committee are not capable of processing these figures; for this reason, financial discussions do not constitute a fundamental topic in their meetings.

In general terms, we can point out that the Monitoring Committee prioritises among its activities the follow-up of public works (in terms of quality and compliance), whereas economic management is accorded secondary priority, a situation that prevents the reduction of corruption: “I see that those on the Monitoring Committee are not fusing their work well, ... they do not

know their functions and obligations ... people are not well-trained, there the Mayor imposes himself: they are taken in⁴¹ on many things” (Isidro Fuentes, Totorapampa community, Municipality of Tacopaya). Other factors which have detracted from the performance of some Monitoring Committees include insufficient inter-action with the municipal council and principally the lack of articulation on the part of social organisations, which could guarantee more efficient work and limit corruption.

4.5 Conclusion

Decentralisation in Bolivia has initiated a process which has transformed relations between the state and society, principally in the local ambit. Peasants and indigenous people have been incorporated into municipal administration through their organisations, through processes which have implicated the notion of collective negotiation, generated in spaces of resistance in terms of strategies, options and practices of the social organisations. This situation can be explained first and foremost by the emergence of the indigenous and peasant movements and the spaces created by the LPP.

The arrival of the peasantry in municipal administration transforms the relations of power between the citizens of small towns and peasants, while facilitating the political inclusion of the latter at a local level. Now peasants are part of local government: posts in the municipalities are mainly occupied by peasant representatives. This situation has been made possible by generating and unfolding devices of power and resistance (collective and individual) which are based on the fundamental scenario of the Councils of Citizen Participation (CPPs).

The arrival of peasant representatives in the municipal council constitutes the touchstone in the dispute against exclusion. The peasants and indigenous people are seeking both self-recognition and recognition as citizens, thus breaking with their situation of being excluded and displaced. In this sense, the community wants to consolidate their power in the municipal scenario, to discontinue their exclusion and to achieve greater autonomy. However, the challenge continues to modify the long history of racism and exclusion in the municipalities, in the context of peasant municipal administration.

More than fourteen years have passed since the introduction of the LPP, and in this time, peasant municipal administration has shown a diversity of

results. The majority of the municipalities under study have demonstrated an important capacity to diversify their sources of financing. With these new financial resources, they developed a lot of projects; that was not enough, though, and conflicts have arisen between communities asking for more projects.

There are also some failures. The peasant public administration model has not necessarily sought greater social participation. On the contrary, peasant municipal administration has been absorbed by traditional bureaucracy; municipal authorities still inform society as little as possible, or when they do, the information provided is partial and even confusing. Hence, political patronage and a lack of transparency and accountability of the municipal authorities are challenges that the peasant and indigenous people will have to tackle in the future.

Endnotes

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³ This is not the only law that stipulates the redistribution of power between the different levels of the Government. The Law of Decentralisation of 1995 grants new powers to departmental governments; and the election of prefects in 2005 grants these departmental authorities more legitimacy, and allows them more autonomy from the Central Government. Even though there are measures that strengthen the departmental level, in this article we will examine solely the impact of decentralisation at the municipal level. It is important to note that Bolivia is composed of 9 departments and 317 municipalities.

⁴ Santa Cruz is Bolivia's richest department.

⁵ Jette (2005), citing Work (2002), indicates that, "Decentralisation reform processes have also been enthusiastically accompanied (and in some cases driven) by increased support from multilateral and bilateral donor agencies throughout the world (...) For example, the UNDP financial allocations to decentralisation have increased six-fold over the past decade." (p 7)

⁶ Among the many books which demonstrate the positive points of decentralisation see UNDP (1997, 2003) and Burki et al (1999).

⁷ For a presentation of these studies see Blanes (2000) and Ayo (2004).

⁸ The municipalities under study are: Arque, Bolívar, Capinota, Tacopaya, Villa Tunari, Vacas, Pojo and Morochata in the Department of Cochabamba and Ravelo and Caripuyo in the Department of Potosí.

⁹ Often peasants are indigenous, but some are mestizos or white persons.

¹⁰ The *pueblerino* is the mestizo or white person who lives in the municipal capital, which usually is a small town.

¹¹ For a more detailed analysis of the regional issue see de la Fuente (2006).

¹² For Roca (1980), the history of Bolivia is not a class struggle but a regional fight. To read about the history of the redistribution of power between different levels of government since the foundation of Bolivia in 1825, see Rodríguez (1995).

¹³ The demand for decentralisation of the Civic Committees was a little different from that of the LPP (*Ley de Participación Popular*) proposal. For this reason, these organisations continue their struggle to reinforce departmental power. They achieved a step in this direction by forcing the government to approve the Law of Decentralisation in 1995.

- ¹⁴ International aid for Bolivia reaches high figures; in 1990, it was equivalent to 11% of the gross domestic product (GDP), and in 2001 to 9.1%. In the rest of South America, external cooperation does not even reach 2% of the respective GDP of each country (Muller Asociados 2004). For these reasons international cooperation agencies have a lot of influence in Bolivia.
- ¹⁵ In the last few years, the topic of gender has also been present in almost all the laws of the country.
- ¹⁶ In the last few years, the municipalities have also been given access to resources provided by the National Dialogue Law of 2000 (see Velasquez 2004), and by the 2005 Hydrocarbon Law, which provides them with part of the Direct Tax on Hydrocarbons.
- ¹⁷ Note that the LPP only recognises organisations closer to the state, denying other urban or rural types of organisations: Civic Committees, economic indigenous organisations (associations of producers, cooperatives, etc.), mothers' clubs, etc., in spite of their direct participation in social, political and economic life, are not recognised as subjects of the LPP. For the rural area of the country, this implies ignorance, or at least non-awareness, of the cultural and organisational complexity of society although defenders of this policy maintain that, on the contrary, the great organisational tradition of the Bolivian population which used to be on the margin, is recognised (Molina and Arias 1996).
- ¹⁸ In Bolivia, the government made considerable efforts because municipalities promote the productive development of their localities (see PADER/COSUDE 1998).
- ¹⁹ For an analysis of the characteristics of diverse decentralisation processes see Carrion (2003) and Restrepo (2006).
- ²⁰ It is important, though, to point out that in other places, such as the city of Porto Alegre, under the direction of the Workers' Party, there were important experiences of participation in relation to the definition of public spending: See De Souza (1997/1998).
- ²¹ In 1999, a new Law of Municipalities was approved, which according to Centellas and Navarro (2004) adjusts or polishes the LPP. Before this Law, participative municipal planning was carried out in some 'pilot' municipalities. Under the previous law, all municipalities were advised to elaborate Municipal Development Plans in a participative manner.
- ²² For a history of what happened in the rural areas of Bolivia, see Demeure (1999).
- ²³ For an analysis of the changes brought about by the revolution of 1952 in Bolivian agriculture, see Vargas (2003).
- ²⁴ In the past, there already were some political parties with peasant/indigenous roots, such as the *kataristas* parties, but they did not have any electoral success. Nevertheless, influence grew to the point that one of their leaders, Victor Hugo Cardenas, became Vice-President of the Republic in 1993. Tupak Katari was an important indigenous leader in the struggle against the Spanish during colonial times. To honour his memory, various indigenous political parties called themselves *kataristas*.
- ²⁵ This political party, originating from a faction detached from the Bolivian Socialist Phalanx (FSB) at the end of the 1980s, decided to grant the political party acronym to Evo Morales.
- ²⁶ For an analysis of these electoral processes, see de La Fuente (2005, 2007) and Romero (2005, 2006).
- ²⁷ Personal communication made in December 1999 by Jorge Lozano and Jhonny Zambrana, technicians of the PROSANA (Food and Nutritional Security Programme) bilateral agreement with the Federal Republic of Germany.
- ²⁸ For more information see Antezana and Crespo (2006).
- ²⁹ Before the change, the candidates had to be members of a political party; after the change, candidates could also be members of local associations and organisations.
- ³⁰ An *ayllu* is the basic unit of the social Andean organisation. For more details see Rivera 1990.
- ³¹ For this paragraph, examples from other municipalities of the region were used in addition to the two municipalities under study.

³² The MOP (*Movimiento Originario Popular*) is the political representation of the Indian people of this region.

³³ Interview with Jhonny Zambrana, technician of PADEP/GTZ, May 2003.

³⁴ Word that sounds like *tía* in Spanish, which means “aunt”.

³⁵ Word that derogatorily refers to peasants of highland communities.

³⁶ These bodies are not official, it is a people’s creation where several Indian OTBs get together to discuss and take planning decisions. OTBs (*Organizaciones Territoriales de Base*) are gatherings of all the people that live in a small area, while CPPs are gatherings of the people that live in a larger area, possibly even larger than a municipality.

³⁷ The CPP (*Consejo de Participación Popular*) is an assembly held periodically. Representatives of the central state, members of the municipal government, representatives of health, education and development institutions as well as the representatives of social organisations of men and women participate in these spaces dedicated to planning and searching for agreements. An average of 200 persons, coming from peasant and indigenous people organisations, participate in the CPP in Arque, Tacopaya and Bolívar.

³⁸ This and the following are testimonies of indigenous community citizens, gathered between 2001 and 2002. See Antezana (2006).

³⁹ The ‘Summit’ has similar characteristics to those of the CPP, although the number of representatives participating is slightly lower.

⁴⁰ There were several cases of corruption within MAS (*Movimiento al Socialismo*) municipal governments, especially in Morochata where several mayors were replaced because of corruption.

⁴¹ *Tomar el pelo* – to fool somebody.

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5 **Indigenous Governance, Protected Areas and Decentralised Forestry: A Comparative Analysis of Two Tsimane' Territories in the Bolivian Lowlands**

Patrick Bottazzi¹

Abstract

The “territorial historicity” related to the Tsimane’ people living in the Bolivian lowlands is a complex process involving many governmental and non-governmental actors. The initiative of evangelist missionary organisations at the beginning of the 1990s led to the formal recognition of two Tsimane’ territories. While one territory was given a double status – Biosphere Reserve and indigenous territory – the other territory was put directly under the management of indigenous people. Elucidating the historical background of the process that led to the recognition and institutionalisation of the indigenous territories enables us to understand that the constitution of an indigenous political organisation remains a voluntary process justified above all by territorial strategies that have been mainly supported by foreign non-governmental organisations (NGOs). Thus, indigenous political leaders are currently struggling to take part in a more formal mechanism of territorial governance emerging from municipalities, governmental forestry services and forestry companies. Faced with the difficulty of reconciling the objectives related to conservation, development and democratisation, the different actors are using ethnic considerations to legitimise their positions. This leads to what we describe as “institutional segmentation”, a phenomenon that makes it difficult to set up a form of territorial planning capable of taking into account the diversity of socio-ecological needs. We argue that the role of municipalities should be strengthened in order to better coordinate territorial management, following the diverse socio-ecological logics that exist in the area. This is one of the most relevant stakes of the new Bolivian constitution’s concept of “indigenous autonomy”.

Keywords: Indigenous people; territory; Tsimane’; forest governance; decentralisation; autonomy; protected areas; Bolivia.

5.1 Introduction

Decentralised management of natural resources has become a key principle of sustainable development. It is currently impossible to consider forest resource conservation without involving/including the local population. Protected areas are an effective means of conserving forest ecosystems only if the local population can be involved in the political and economic management of these areas (Borrini-Feyerabend et al 2004). Responding to the strong indigenous claims arising since the 1990s, the Bolivian government has integrated the principles of inclusive management in the country's new forest regime.² However, today, after almost two decades of implementing reforms, the results remain mainly unsatisfactory (Kaimowitz et al 1998; Kaimowitz et al 1999; Pacheco 2003). Several socio-economic factors hinder achievement of the expected participative and sustainable management of forest resources.

Among these factors, one appears to be very important from a structural perspective: "institutional segmentation". This factor is defined below as the lack of a communicative path between the main institutional and decentralised political spaces. This segmentation gradually increased over the years, based on ethnic, ideological and behavioural differences. The present paper tries to explain how such an "institutional segmentation" came about, by analysing the institutional history of two indigenous territories situated in the Bolivian lowlands. What role does the indigenous social movement play in the way indigenous populations participate in decentralised management of their forest resources? What differences in terms of governance can be observed between the protected areas controlled by the government and those areas directly conceded to local management based on indigenous people's norms? The present paper consists of a theoretical and methodological background and two case studies addressing the following three levels: the level of indigenous territories, the level of the Biosphere Reserve, and the level of municipalities. Finally, the paper discusses the emergence of "indigenous governance" as an interface between the three above-mentioned levels.

5.2 Background

Today, Bolivian indigenous social movements are considered to be the most influential ones in national politics in Latin America. They have demonstrated their capacity to exert bottom-up political influence (Kearney and

Varese 1995; Langer and Muñoz 2003; Vanden 2007). This capacity to influence political processes has taken on a new form since the recognition of indigenous stakes at the international community level. Since the country's independence in 1825, successive governments have been aiming to contain those movements, either through oppression or, more subtly, by trying to formalise communities, giving them rights only to enclose them in juridical categories. In some cases, South American governments have instituted individual property rights and favoured the election of decentralised local authorities, with the intention of breaking down the community logic that was threatening the established regime of governments (Hvalkof and Plant 2001; Urioste 2002, 2003).

Decentralisation policies emerged as the state attempted to formalise local political spaces. Such policies are being implemented in most developing countries (Ribot 2002). Even if many scholars consider decentralisation as significant progress in the democratisation process, it rarely results in a consensus between the state and local stakeholders and is mostly a top-down policy process. This explains the manifold tensions that remain between various local authorities. Therefore, it is very helpful to examine small-scale historical dimensions to understand the complex processes of institutionalisation. Ribot's historical approach shows that decentralisation does not irremediably enforce existing local governments, but can, on the contrary, be complementary to the "traditional" or existing authorities, even if these authorities remain very strong (Ribot 1999). As a consequence, the fact that there are a number of sources of political power leads to various problems such as legal pluralism (dismemberment/dislocation) or splitting of state functions (Jacob 1998a, 1998b; Olivier de Sardan 1998; Benda-Beckmann 2001). In other cases, decentralisation can lead to the complete disappearance of local civil forces, thus resulting in a "recentralisation" of local affairs. This can lead to a chronic lack of a sense of responsibility within civil society and consequently to the re-establishment of state control, drastically reducing local initiatives (Wunsch 2001; Bottazzi 2007).

Rural population participation modalities vary widely according to social contexts. They depend largely on local capacity and cannot be imposed from the outside. As a consequence, the establishment of an integrated and sustainable local governance system for natural resources is a long-term process, depending on local and regional socio-political dynamics on the one hand, as well as on the quality of the national legal framework in which these dynamics are integrated, on the other hand (Utting 1998; Cleaver 1999; Cornwall 2002).

Considering the high correlation between ethnicity and citizen agency (Taylor and Wilson 2004) in Bolivia and in Latin America as a whole, access to decision-making positions in the local government has been structured according to ethnic membership, which in turn has been built throughout centuries of social segregation (Franqueville 2000). Some social categories/classes – mostly indigenous populations – have been marginalised from decision-making processes. This situation has been changing in recent years with the rise of political regimes based on indigenist ideology (Albro 2005). Faced with this complexity and the diversity of ethnic belonging, a simple dichotomy between indigenous and non-indigenous is no longer relevant. From now on, it will be necessary to take into consideration the multiplicity of membership mechanisms among the different ethnic groups in which large discrepancies still subsist (Albó and Quispe 2004; López and Regalsky 2005). The success of a sustainable and equitable management of natural resources undoubtedly comes from a combination between ethnic political dynamics and the institutional practices stemming from a decentralisation process.

The question of political legitimacy is thus crucial. Some empirical studies show that when local authorities benefit from popular recognition, the different actors tend to better respect local rules. Adhering to these rules, populations have a better feeling of “legitimacy” of the benefits generated from their activities (Palmer and Engel 2007). The dynamics of political participation concerning forest resource management are not only motivated by access to resources, but also by a wish for “state recognition” of these local entities as an expression of political integration (Palmer and Engel 2007). However, further studies also show that, with respect to various local governance structures, decentralisation does not de facto guarantee integrated and sustainable management of natural forest resources. Many conflicts continue solely because of the new political challenges that access to decentralised power entails (Tacconi 2007). Decentralisation as a phenomenon should thus be studied as an evolutionary process rather than as an advancement per se (Oyugi 2000).

In Bolivia, one of the most important changes effected by the decentralisation laws is the extension of the local governments’ competencies to rural zones, including the management of forest resources. From a legal point of view, these reforms represent very important progress, but their implementation is still insignificant. Local agents lack competencies in the forestry sector. Means of communication and transportation do not allow indigenous populations to have access to the meetings in which decisions are taken.

Consideration of formal and legal criteria related to forestry activities requires important administrative competencies that are unfamiliar to indigenous populations. Municipalities are not able to levy duties and taxes on forestry activities. The different stakeholders' areas of responsibility are not clearly defined and we see a confusion of territorial legitimacies claimed by municipalities, public enterprises, protected areas and indigenous groups (Kaimowitz et al 1998; Pacheco 2003). These studies allow us to understand the mechanism of deforestation from a governance perspective. It highlights the tensions between stakeholders' practices and the legal system. However, owing to the lack of a historical dimension, we do not fully understand the process of local institutional change.

The main objective of the present comparative study is to show how very specific events can influence the process of institutionalising a territory to the point that the whole system of interrelations between agents is fundamentally modified. In this way we will show that the recent indigenous land titling process in the Bolivian lowlands is certainly the product of joint local and international dynamics of social claims. But we will also show that this process remains very detached from decentralised political spaces. We formulate the hypothesis that "institutional segmentation" results from the history of territorial institutionalisation, and that this segmentation derives from the diversity of ethnic dynamics as well as from the implementation of a multiplicity of state organisations emerging from the reforms in the 1990s.

5.3 Methodology

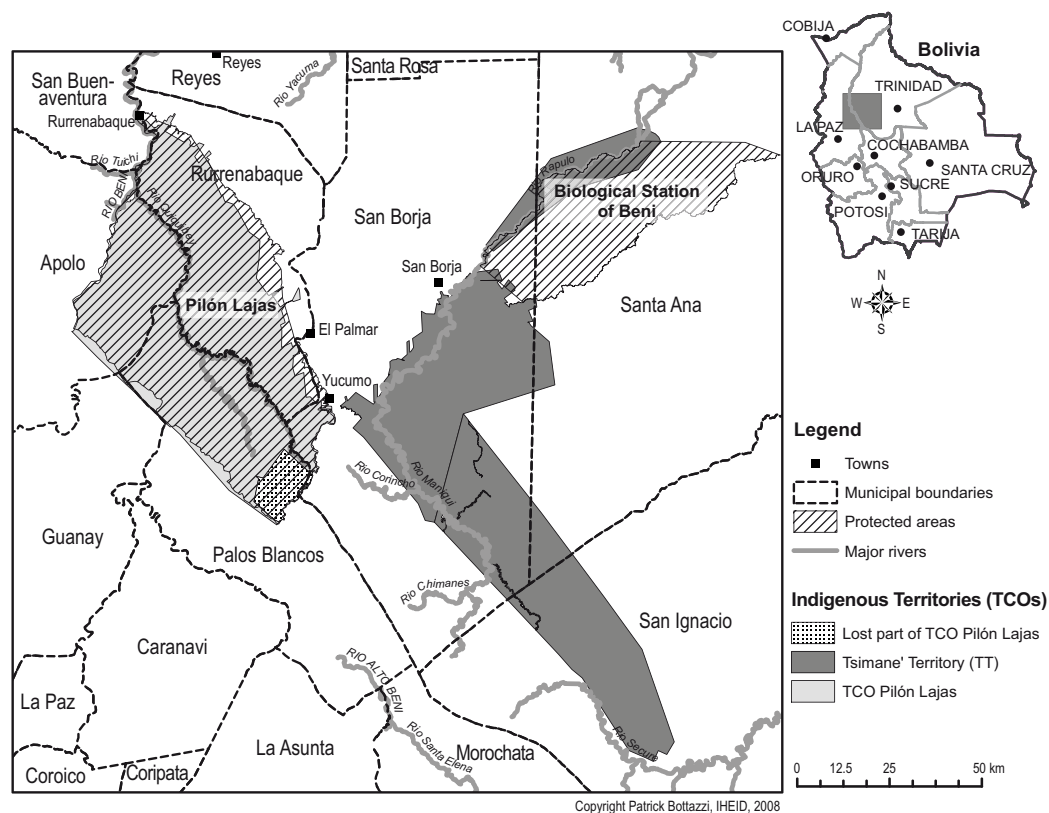
To analyse "territorial historicity", defined as a social process leading to the establishment of spatialised power relations (Raffestin 1980; Di Méo 2001), we use an actor-oriented approach (Long 2001) with the aim of comparing the various social networks involved in the process of governance and management of the territories studied. The historical dimension of territorial governance is taken into account to explain the social antecedents which have brought about the current contentious institutional situation. Particular attention is given to the role of indigenous and settler organisations (Amazonian and Andean), municipalities, NGOs, the national forest agency and private enterprises. This focus helps us to analyse the process of producing territorial norms in relation to the link between "conservation", "development" and "participation" values.

Empirically speaking, this study was based on a comparison between two indigenous territories, now considered formally as *Tierras Comunitarias de Origen* (TCOs)³, situated on the border between Bolivia's Andean piedmont and its Amazonian plains:

- The Tsimane' Territory (TT), located mainly within the municipality of San Borja;
- The Pilón Lajas Biosphere Reserve and Indigenous Territory (Pilón Lajas), located mainly within the municipality of Rurrenabaque.

Fig. 1
Political situation
of Tsimane' Territo-
ries. (Map by
Patrick Bottazzi)

The two TCOs are inhabited mainly by Tsimane' populations and are situated in similar ecological zones. The principal difference between the two territories is that the whole of Pilón Lajas lies within a Biosphere Reserve,



while only a small part of the Tsimane' Territory (TT) is included in the Biological Station of Beni (EBB), the first protected area in Bolivia to be effectively implemented (Figure 1).

5.4 The indigenous social movement for territory in the lowlands of Bolivia

5.4.1 The creation of the Tsimane' Territory and the Grand Tsimane' Council

The first anthropological studies on Tsimane' societies localised them in the southwestern department of Beni, inhabiting mainly the south of the Bolivian province as well as the provinces of Yacuma and Mojos, between the Andean piedmont and the vast savannah plains of Moxos. Until the 1970s, the Tsimane' essentially based their livelihoods on small-scale slash-and-burn agriculture and on gathering, hunting and fishing. At present, their gradual integration into the capitalist market economy is driving them to progressively adopt new modes of subsistence, such as temporary seasonal labour, trade and forestry (Perez Diez 1983).

The Tsimane' forest situated along the Maniqui River is an important reservoir of precious wood materials, such as mahogany (*Swietenia macrophylla*) and Spanish cedar (*Cedrela* spp.). Strong lobbying by forestry companies triggered significant socio-economic change in the 1980s. The damage caused by forest exploitation forced many families to migrate downstream of the Maniqui River and to occasionally move to the urban centre of San Borja. The involvement of an American evangelist missionary, Dino Kempf, and of various other local organisations⁴ was crucial in the Tsimane' people's effort to regain a sense of self-determination. Following repeatedly failed attempts at direct negotiations with traders and the local authorities, Kempf organised a meeting with various representatives of Tsimane' communities held on 4 March 1989 (Lehm 1994). This meeting resulted in the creation of the Grand Tsimane' Council (GCT), the first representative political authority of the Tsimane' nation (personal communication by Jorge Añes, President of GCT, 9 April 2005). On this basis the GCT and the US missionary organisation called "Nueva Tribu" put forward an initial Tsimane' territorial claim, requesting control over an area that includes the entire region of the Maniqui River, the Eva Eva Cordillera and part of the pampas.

The event that pushed the claims of indigenous people to the top of the national policy agenda was without doubt the famous “march for territory and dignity”, organised by the Central de Pueblos Indígenas del Beni (CPIB), i.e. the regional indigenous organisation. This march increased political pressure on the government regarding the “Tsimane’ forest” claim, too. The indigenous people of the Isiboro-Secure National Park and the Siriono also joined the movement. The march took place between August and September 1990. 800 indigenous people from the lowlands walked from Trinidad to La Paz to claim their territorial and citizen rights. However, it seems that the land titling of the first Tsimane’ territory was not the direct result of their participation in the march. A first ministerial resolution was proclaimed five days before the arrival of the demonstrators in the town of San Borja on 25 August 1990. It is not possible to know whether this was a rather quick reaction by the government aiming to weaken the political impact of the march that had started weeks before. In any case, the Tsimane’ profited from the significant political pressure exerted by the indigenous movement. The government’s resolution granted the Tsimane’ the first indigenous territory in Eastern Bolivia. After the arrival of the demonstrators in La Paz, this resolution was transformed into an indigenous land title through a presidential decree by Paz Zamora.⁵ It was thus given an official dimension; five different indigenous populations (Tsimane’, Yuracare, Mojeños, Siriono and Movima) were given titles to four territories.⁶ Those first Bolivian territories remained formalised by presidential decree only until 1996, i.e. when the National Institute of Agrarian Reform (INRA) law was promulgated, and then became TCOs. By this decree, the Tsimane’ indigenous territory was officially recognised on 392,220 ha, along the Maniqui River and hence in one of the richest biodiversity areas of the world.

5.4.2 The Biosphere Reserve and Indigenous Territory of Pilón Lajas and the creation of the Tsimane’ Mositene Regional Council

The present Biosphere Reserve including the Indigenous Territory of Pilón Lajas is the second-largest territory inhabited by the Tsimane’ in terms of surface area and population size. The history of land tenure is intrinsically linked to the progress made thanks to both the 1989–1990 indigenous movements and the wave of movements concerned with biodiversity conservation which began in the region in that period. The Pilón Lajas Reserve is situated 250 km north of La Paz in the Department of Beni, along the Beni River (see Figure 1, p 160). In 1975, this zone was proposed as a National Park falling

under the jurisdiction of the Law on Forest Life, National Parks, Hunting and Fishing (Decree Law 12301), extending over 280,000 ha (Schuerholz 1977). Two years later UNESCO's Man and Biosphere (MAB) programme declared the zone a Biosphere Reserve. This status was recognised by the Bolivian government. Despite these conservationist initiatives, the Reserve remained a "paper park" and was not subject to any particular conservation activity in the first years after its foundation.

On the contrary, between 1977 and 1983, through its National Institute for Colonisation (INC), the Bolivian government promoted a settlement campaign to allow thousands of families from the Andean cordillera to settle in the east of the Reserve, close to the buffer zone. Following the construction of the road between San Borja, Yucumo and Rurrenabake from 1983 to 1991, a second massive wave of settlers as well as forestry companies arrived in the Reserve's buffer zone, considerably increasing the level of human activity. Indeed, between 1993 and 2001, deforestation within the area of the Reserve amounted to 203 ha per year. This rose to 522.2 ha per year between 2001 and 2004 (WCS 2005). Due to the increase in agricultural colonisation by people from the Andes and the presence of forestry companies, the small groups of Tsimane' and Mosetene residing in the buffer zone of Pilón Lajas were forced to migrate further inside the Reserve to pursue hunting and fishing activities that had been greatly compromised by settlement and forestry activities since 1977.

On 15 and 16 August 1991, a first meeting called "Ethno-cultural Tsimane'" was organised by the Centro de Servicios Agropecuarios (CESA, a Bolivian NGO initially working with the Andean settlers) and the Tsimane' Grand Council (GCT) in the community of Alto Colorado, 42 km from Yucumo. The objective of this meeting, which grouped various representatives of each indigenous community, was to define a strategy to protect Tsimane' territories from the advancement of the Andean settlers' front and from pressure exerted by forestry companies. This meeting resulted in a request, formulated by the Ministry of Peasant and Agricultural Affairs, for a second land title to be given to the Tsimane', equal to the one conceded to the GCT in the region of the Maniqui River one year before. This new territory was to be declared a "National Park and Indigenous Territory" in favour of the 250 indigenous Tsimane' families living in the buffer zone of the current Reserve, which was extended up to the Quiquibey River. The formal request made to the government was to stop the planned enlargement of the area for colonisation "in order to avoid clashes between different cultures". Later, the GCT

designated the first Tsimane' representative of the zone of Pilón Lajas, and thus the Tsimane' Mosetene Regional Council (CRTM) was founded. At that time the CRTM was submitted to the authority of the GCT.

From 1992, the radical change in the status of Tsimane' territoriality took a more formal turn. On 9 April, a supreme decree proclaimed the creation of the Biosphere Reserve and Indigenous Territory of Pilón Lajas⁷ covering an area of 400,000 ha, i.e. nearly double of what was requested in the indigenous claim. Thanks to the 1996 Bolivian land reform and the creation of INRA – i.e. the National Institute of Agrarian Reform – the Biosphere Reserve and Indigenous Territory of Pilón Lajas acquired a twofold official status: on the one hand it became a communal land of origin (TCO)⁸ and on the other a Reserve within the Biosphere. Meanwhile, the French NGO Vétérinaires sans Frontières (VSF) received USD 4 million from the European Union and the Swiss Agency for Development and Cooperation (SDC) to implement an integrated conservation programme in the area. VSF was attributed the role of management authority of the Reserve and controlled everything in lieu of the Bolivian state and the indigenous organisation, both of which were dependent on the foreign funding.

Eventually, however, both the settlers and the Tsimane' could no longer accept being managed in this way; they asked VSF to leave. The creation of the National Service of Protected Areas (SERNAP) in 1998 and the prevalence of conflicts between various local organisations (Federation of Settlers, CESA and the native indigenous organisations) triggered the departure of VSF after the organisation had succeeded in making the forestry companies leave the protected area as well as putting in place various development programmes in the buffer zone. From that time on, Pilón Lajas was under the co-management of SERNAP (i.e. Reserve) representatives⁹ and the Tsimane' Mosetene Regional Council (CRTM), which had just received official recognition as a grassroots territorial organisation (OTB), allowing them to gain autonomy from the tutelage of the GCT.

Arguably, the establishment of indigenous Tsimane' political structures was intrinsically related to the common claim supported by the alliance of local indigenous and non-indigenous actors with regard to the need for acquiring territorial rights. Territorial needs thus shaped indigenous political formation and centralisation. This sudden territorial and local political centrality of the Tsimane' remains somewhat divided between two poles of the Tsimane' territories: the TT and Pilón Lajas (see Figure 1). The administrative conditions

proposed by the Bolivian government, i.e. to have only one administrative entity related to each land title, contributed to the political fragmentation among the involved Tsimane' communities and resulted in different forms of institutionalisation of their territories. Recognition of the indigenous territory status for the TT was motivated principally by missionary and indigenous dynamics, whilst in the case of Pílon Lajas, indigenous access to the territory status was supported by the conservation organisations working in the area and aiming to protect biodiversity. This contrasted historical background resulted in the establishment of different management mechanisms that ran parallel to political decentralisation.

5.5 The decentralisation process: A new challenge for indigenous citizenship

5.5.1 Principles of the Bolivian decentralisation system in natural resource management

One of the most important reforms in Bolivia during the 1990s was the adoption of the participation and decentralisation laws. From a legal point of view, Bolivia has since then been a decentralised country, with 20% of the national budget made available to the local governments, on the basis of a per-capita allocation. The municipal councils are elected according to the principles of universal suffrage and are bound to administrate both urban and rural areas. Moreover, the forestry law¹⁰ stipulated new responsibilities for the local governments regarding “public forests”. It created the *superintendencia forestal* to replace the *centro de desarrollo forestal*, which was considered as corrupt and inefficient (Contreras-Hermosilla and Vargas Ríos 2002). Since this change, it has been possible for a large part of the municipal territories to be managed by the municipalities as long as they create collective Municipal Forestry Units (UFMs). These UFMs are required to elaborate management plans that have to be approved by the central government and to be in accordance with guidelines from the local association of forest producers (ASL), usually made up of white farmers and mestizos. Ten years after the reforms, studies on the efficiency of the new institutions show very mixed results. The local governments do not give adequate priority to the establishment of local collective forestry structures. Disagreements and conflicts between municipalities and the *superintendencias forestales* are often due to the distribution of taxes collected from extractive forest use. As a consequence, in many cases local actors prefer to continue their illegal

activities, even with the support of the local government (Kaimowitz et al 1999; Pacheco 2002).

Participation of the indigenous Amazonian population in the local government is thus fundamental for decisions concerning resource allocation in indigenous territories and for monitoring the sustainability of economic activities. Unfortunately, despite the reform indigenous people are still excluded from local administrative municipal authorities; as a result, they face underdevelopment and political injustice (Lavaud 1998; Albó and Quispe 2004).

This situation is further complicated by the co-existence of indigenous and municipal authorities, that have different sources of legitimacy, which leads to an overlap of responsibilities. Because of this, indigenous organisations receive no funding from the state and are forced to exert pressure on municipal councils in order to make them consider their requests.

In parallel with these decentralisation reforms, the Bolivian government also adopted a number of important measures with regard to conservation of biodiversity and natural resource management. The General Rules on Protected Areas (RGAP) define participation of a broad range of stakeholders in the administration of protected areas as a fundamental principle. The management committees of protected areas must include representatives of indigenous people, the peasant community, municipalities, prefectures and other public and private organisations.¹¹ The decree regarding Administration Councils in Protected Areas¹² was approved after negotiations between civil society organisations (CSUTCB, CSCB, CIDOB)¹³ and the state. It was established that these councils must be mixed: one half of the representatives should come from indigenous, peasant and “colonist” organisations and the other half from the state.¹⁴ Formally, only indigenous or peasant organisations recognised by the state as OTBs¹⁵ (in accordance with the 1996 participation law) are invited to participate in the management committee of a protected area. Decentralisation and the management of protected areas are thus totally linked in juridical terms.

If a protected area and a communal territory (TCO) both cover the same area, “exploitation of natural resources by the TCO in the protected area has to be under the legal disposition of each resource”¹⁶, which means the forestry law applies to forest resources. In other words, some responsibilities with regard to forest management in the protected areas stay in the hands of the *superintendencia forestal* (central state) and its local units (UOBs). The resulting

– and sometimes contradictory – multiplicity of administrative authorities implicated in the management of indigenous territories considerably reduces attention given to indigenous organisations and entails very heavy administrative constraints on natural resource management decisions.

5.5.2 Decentralisation in Tsimane' Territory and Pilón Lajas

The Tsimane' Territory (TT) and Pilón Lajas are spread over six municipalities, but only two municipalities are affected to a greater extent: 50% of the TT is situated in the municipality of San Borja, while 46.7% of the total area of Pilón Lajas is located in the municipality of Rurrenabaque. It is important to add that the municipality of San Borja also has a small fraction of territory included in Pilón Lajas. This is the sub-municipality (*sub-alcaldia*) of Yucumo, which represents the urban centre of the Andean populations and is located in the buffer zone of the Reserve (see Figure 1). In theory, all the municipalities included in the indigenous territories are supposed to establish relations with the indigenous populations and councils concerned; in reality, however, only one (dominant) municipality is involved in a real process of participatory development in each of the two territories: San Borja and Rurrenabaque. This is particularly due to the establishment of indigenous councils (CRTM and GCT) within the urban centres of the municipalities; this increases the frequency of interactions as well as the network of relationships established between the municipal and indigenous elites.

In the following two sections, the extent to which indigenous political institutions are integrated in the local governance process, especially in the field of natural resource management, is analysed in greater detail. The case of the municipality of San Borja and the TT is examined first, followed by the case of Rurrenabaque and Pilón Lajas.

5.5.3 The municipality of San Borja: Extractive policy-based governance

The Jesuit priests Francisco de Borja and Ignacio Soto Mayor founded the town of San Borja in December 1693, one kilometre away from the Maniqui River. The main objective of this foundation was the evangelisation of the Tsimane' population as well as their socio-economic reorganisation. Following the expulsion of the Jesuits in 1767, the population of San Borja scattered away entirely, returning to small villages in the forest or being integrated into the colonial administrative centres (towns) of Santa Ana and San Igna-

cio.¹⁷ The economic and demographic rebirth of the town started in 1850 with *quinua* logging, rubber extraction and livestock holding, which are still the most important activities in the area to this day (Vaca 2003).¹⁸ In the 1970s, a certain stratum of society became considerably wealthy through the drug trade, as the town was used as an intermediary storing place before the drugs were exported to Brazil. With assistance from the United States, the government took drastic measures, largely strangling this sector and forcing the powerful families of San Borja to migrate or to turn to new markets, for example those related to the extraction of precious woods and other forest resources.

The municipal territory of San Borja covers 16,000 km². It includes four “special areas”: the Indigenous Tsimane' Territory (TT), Pilon Lajas, the Indigenous Territory and National Park of Isiboro Secure and the Biological Station of Beni.¹⁹ These four territories are superposed on a considerable part of the municipality, making it impossible to manage resources without establishing narrow links between political authorities that are concerned with territorial governance processes. For the past few years, the municipality has been attempting to encourage tourism; however, although a governance structure is currently in place for the Tsimane' Territory, the extent of ecological degradation that has already taken place makes management of natural resources a very difficult task.

The challenge posed by the task of putting an end to the current extractive and devastating economic activities in the Tsimane' Territory can best be understood by examining the nature and functioning of the local municipal authorities. Since the establishment of the municipality in 1942, only *campesinos*²⁰, i.e. people coming to this area in recent migrations from Europe, the Middle East and Asia, have had access to influential positions.²¹ The powerful San Borja Federation of Livestock Breeders (FGSB), which is almost tantamount to a private club, has taken over the task of defending the interests of rich landowners in the region, thanks to their strong representation in the municipal council. Most FGSB members were affiliated with the ADN political party before they migrated to the PODEMOS citizen organisation in 2005.²²

During the last municipal elections in December 2004, the MNR won the majority of seats in the municipal council and took over executive power. As a consequence, ADN members simply refused to be part of the municipal council and preferred not to participate in municipal decision-making.

In December 2005, an accusation of narco-trafficking brought against the Mayor forced him to stand down, leading to a bitter conflict between local political factions. Later, the PODEMOS party (ex-ADN) took over executive power, dismissing all of the municipality's technical personnel in order to allocate these positions to their own political clientele. This factional logic has prevented the constitution of an "institutional memory" and renders impossible any more coherent management of public affairs.

The concentration of local power in the hands of one social category of individuals or corporations has significant consequences on the nature of the adopted municipal norms and rules. In San Borja, this has resulted in the maintenance of large-scale land properties (*latifundios*) and the deregulation of extensive livestock breeding. This causes considerable damage, in terms of unfair land distribution and negative environmental impacts.

The Tsimane' have thus never been in power positions within the municipal government since its foundation. However, this population represents a 25% electoral weight in the area and the dominant local political parties are now interested in capturing their support (interview with Asensio Lero, 15 September 2006). The main issue for the Tsimane' remains their lack of civil identity: the majority of them do not have any civil identity cards, meaning that they cannot exercise their rights as Bolivian citizens.²³ Since 2002, an important civil regularisation campaign (*carnetización*) has been underway with funding from multilateral cooperation and support from CIDDE-BENI and the GCT. The latter has played a major intermediary role in organising, identifying and formulating the necessary administrative steps in the communities.

Apart from its concern to enable political representation of the "Tsimane' people", to reinforce local institutions and to ensure access to municipal financial resources, the GCT has been trying to ensure recognition of an indigenous Tsimane' district in the municipality of San Borja. This new territorial institution is represented by an indigenous sub-municipality (*sub-alcaldía*) and benefits from a small municipal budget to finance its representatives, even though this institution has not been formally legalised to this day.²⁴ In addition to this significant progress, a number of Tsimane' candidates were elected in December 2004 to replace non-indigenous municipal councillors in the local government. The Vigilance committee²⁵ also succeeded in having a Tsimane' representative elected; this person is responsible for social control of the municipal government, consisting mainly in

monitoring the execution of the municipal development plan and the management of the corresponding budgets (accountability). It is interesting to note, however, that in spite of this step forward, the leaders of the GCT do not wish to participate directly in the municipal government because they fear that they may become “dependent on a political rationale”, which might damage their prestige in their own respective indigenous organisation. In order to preserve their positions within the indigenous organisations, they nominate municipal representatives who are less qualified than members of the indigenous authorities who have their own organisational structures.

It is this phenomenon that leads us to speak of an “ethnic multi-polarisation” as well as an “institutional segmentation” of the structures of local governance. In San Borja, the power over political decision-making mechanisms and actions remains largely in the hands of an ethnic minority, the *cambas*, framed by economic traditions and administrative practices shaped by them over the years. The norms, frames of reference and political organisations that determine the institutionalisation of indigenous territories and their resources are based on individuals’ ethnic and factional belonging. This becomes clear when we analyse the distribution of the annual municipal budget. On the one hand it reveals a rather unequal distribution between rural and urban areas, and on the other hand, it is divided between “ethnic sectors”.

Figure 2 shows that the proportion of municipal funds granted to Tsimane’ communities between 2001 and 2003 never rose above 1.8% of the total municipal budget, and that it actually decreased to 0 from 2001 to 2003. Over 80% of the budget was allocated to the urban sector and the functioning of the municipality, which did not allow for any development of infrastructure in the rural areas. This situation compelled the settler and Tsimane’ populations to finance their own development by exploiting forest resources in an unsustainable way as the only option for access to goods and services that require monetary income. The municipal authority’s mismanagement of public rural areas demonstrates the domination exerted by the *camba* communities, who live principally in urban centres.

Following the discontinuation of funds previously provided by conservationist NGOs, the administration budget of the GCT is now exclusively financed by the use of forest resources; this illustrates the structural deadlock experienced by various local agents who are responsible for the management of indigenous territories. The mechanisms of institutional forest exploitation are therefore quite unique, especially regarding the Tsimane’ Territory. After

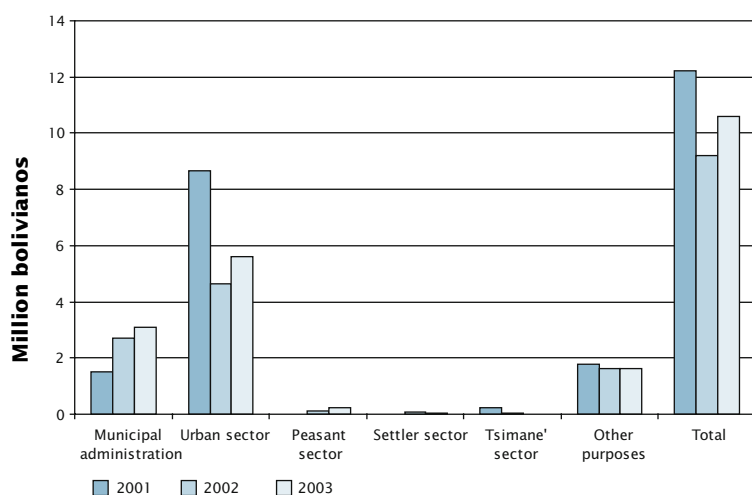


Fig. 2
Distribution of the
municipal budget
by sector in San
Borja between
2001 and 2003.
(Source: municipal
budgets, 2001–
2003)

a failed attempt to set up a forest management plan in 2001 with financial support from the International Trade and Timber Organisation (ITTO), the communities in the Tsimane' Territory began to exploit the forest in a somewhat disorganised manner. The GCT, which functions exclusively on the basis of forest revenues, receives direct royalties from a number of forestry companies that continue to operate in the territory, as well as from smaller indigenous exploiters. Indigenous people log rare tree species, which they transport in small portions on their shoulders in order to sell the timber to Andean traders, who take the wood to La Paz from where it is then exported. The Local Bureau of Forest Supervision (UOB) is forced to “ignore” such illegal practices under the threat of various local power groups and undertakes face-saving activities to maintain its position in the field of forestry.²⁶

On the other side, the municipality endorses these practices in exchange for a share of the revenues from direct taxation, previously defined by a common agreement with the indigenous authorities. Support for the municipality is legitimised by the fact that it did not collect enough revenue through the formal system established by the 1996 forest legislation. As a result, institutionalisation of forest resource use took place exclusively on the basis of *tacit agreements* between local agents who gave a “socially lawful” appearance to formally illegal activities. An entirely informal system of forest resource management was thus created at the local level by the endorsement of certain norms originating from national and international forest use regimes.

5.5.4 The municipality of Rurrenabaque: Exploiting the symbolic value of natural resources

The municipality of Rurrenabaque is situated 265 km north of La Paz in the Beni department near the Beni River. Its name is derived from the indigenous Tacana²⁷ word *suseanabaque*, which means “river of ducks”. Its population dates back to pre-colonial times and the expansion of the town took place as of 1850 with the successive exploitation of *quinua* wood, rubber and Brazil nuts. The population rose from 9065 to 13,668 inhabitants between 1992 and 2001, 62% of whom live in urban areas (INE 2001).

According to the last census conducted in the Pilón Lajas Reserve by a Wildlife Conservation Society planning team in 2004, the indigenous population was estimated at 1331 people in 238 families within 25 communities. The “ethnic” distribution of the population was as follows: 65.4% Tsimane', 9.1% Mosetene, 14% Tacana, 10.1% others (WCS 2005).

According to most official sources, the municipal territory of Rurrenabaque covers 480,000 ha. However, a conflict over borders with the municipality of San Borja has been ongoing since the participation law entered into force (1994); therefore, the exact surface area is unclear today. This conflict also involves two villages situated in the buffer zone of the Reserve: there is a dispute as to which municipality these villages belong to. This has had an impact on the administrative and political division of the Pilón Lajas Reserve, as well as important consequences for the distribution of municipal budgets.²⁸ This shows that the municipal authorities aim above all to group together as many people as possible in order to receive more funds from the state, these funds being determined on the basis of the number of persons living within the boundaries of a municipality. A territory is therefore not perceived as an area of natural resources, but as a means to facilitate access to administrative and political funds.

Before the expansion of tourist activities, the main economic incentives offered by the town were narco-trafficking and forest exploitation. Most of the political factions were linked to *motosierrista*²⁹ lobbies (Pavez 1998). For the past 10 years, the municipality of Rurrenabaque has experienced an important expansion of the tourism sector due to a facilitation policy pursued by local authorities. In 2004, the flux of tourists to Rurrenabaque totalled 28,497 people, 59% of whom were foreigners.³⁰ Since then, the main tourism boom in the region has concentrated on Madidi Park; more recently the

other side of the river, Pílon Lajas, has also started to attract growing tourism interest. This recent advocacy of tourism on the part of the municipality of Rurrenabaque has driven the authorities, as well as the main economic agents in the area to increasingly express interest in biodiversity conservation. Nevertheless, profits from ecotourism have mainly found their way to the agents situated in the urban areas, or to hotel owners and tour operators. For the indigenous agents and communities living within the Reserve, tourism remains unprofitable or even causes conflicts. The tourism regulations elaborated by a consultant with the participation of the Tsimane' Mosetene Regional Council (CRTM), the Reserve authorities, representatives of all communities concerned, as well as municipal authorities, have recently been implemented and should be the main instrument for regulating contentious issues between the various agents involved, and may enable better distribution of revenues generated from tourism.

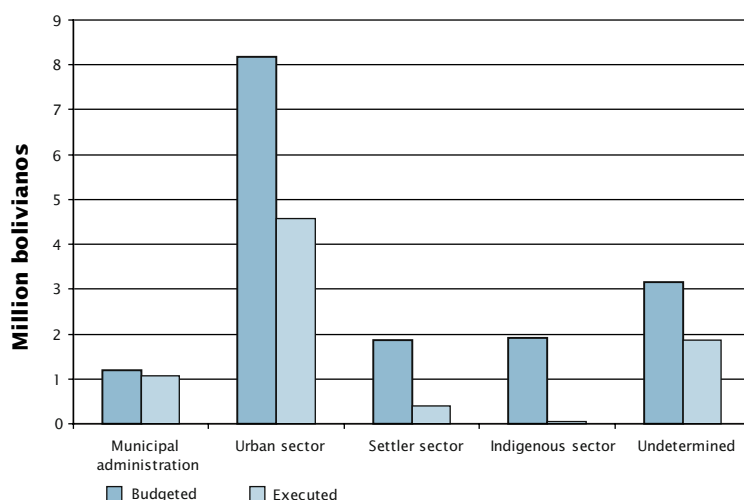
Since the creation of the municipal government in Rurrenabaque in the 18th century, there have been no efforts to include representatives of indigenous peoples (Tsimane' and Mosetene). The plurality of political parties within the municipal government is not an indicator of the democratisation of local arenas, but rather a strategy of differentiation of political party adherence within a political system based on clans and factions. Nevertheless, the last elections in 2005 were won by a representative of the Andean settlers, the president of FECAR (Federación de Colonizadores de Rurrenabaque), as well as by a woman, both of whom are representatives of the Tacana indigenous population coming from a community in the Pílon Lajas territory, and by a member of OCOR (Organización de comunidades originaria de Rurrenabaque). The inclusion of these indigenous (or non-*camba*) leaders represents a significant change in the leadership of local institutions, which thereby have become more ethnically differentiated. However, the absence of Tsimane' and Mosetene representatives confirms the persistence of an ethnic barrier between *cambas*, *colla* and “indigenous” on the one hand, as well as ethnic barriers within the group of “indigenous people”, which is composed of Tacana, Tsimane', Mosetene, Quechua and Aymara groups.

This lack of representation of the indigenous Tsimane' and Mosetene population groups can be partly understood by their low electoral weight, which is due to the fact that 65.7% of these population groups have no identity documents. Furthermore, 49% of the population over 5 years old are illiterate and 28.8% do not speak Spanish (WCS 2005). Apart from the obligation to undertake its own development activities (health, education, basic infra-

structure), one of the main tasks of the CRTM is to organise the regularisation of civil status. In a way, its role is to “replace” the municipalities as long as the integration of indigenous people is incomplete.

This weak integration of indigenous groups has important consequences on the communities’ development activities, mainly regarding basic infrastructure. Investment in the rural sector remained low; in 2004 it represented only 7% of the municipal budget. Figure 3 shows that municipal budgeting was approximately equal between the settler sector (along the buffer zone) and the indigenous sector (inside the protected area). However, a problem can be found regarding what was actually invested (i.e. executed): only 3% of what was planned for the indigenous sector was actually carried out, whereas the rate of budget execution in the settler sector was 21%. This shows how difficult it is for the indigenous representatives to follow and successfully apply the complex norms used in public interventions in Pílon Lajas and how weak the influence of the Tsimane’ is in the local political game. It equally points to the challenge that municipal authorities would have to meet to effectively manage the communities within the protected area. Their current disinterest is accentuated by the reluctance of the Reserve authorities³¹ to “produce development” in a protected area destined for twofold conservation (Dumoulin 2003): the “indigenous traditional” way of life on the one hand, and biodiversity on the other.

Fig. 3
Allocation of rural
municipal invest-
ment by sector in
Rurrenabaque in
2004 (settlement /
indigenous).
(Source: municipal
data)



In Bolivia, management committees constitute the political space where coordination and negotiation are supposed to take place between all stakeholders of the protected areas. For Pilón Lajas, key decision-makers of the municipality should meet with others involved in the management of the Reserve. Despite the importance of this institution, the various agents unanimously admit that whatever action results from decisions taken within the Management Committee is far from satisfactory. Even though the President of the Management Committee has also been President of the indigenous organisation CRTM, indigenous people's representatives have not been sufficiently present in the meetings to exert significant influence. Such absence is often used by certain individuals to show their disagreement with regard to the maintenance of the status of protected area. This form of pressure was used during the April 2005 Management Committee meeting by indigenous representatives who denounced the organisational procedures of the meeting. Indeed, the management of the Reserve holds most of the power to organise the meeting. The director of the Reserve, appointed by SERNAP, the National Service for Protected Areas, selects individual participants in the meeting and often uses the argument of lack of resources to justify the absence of indigenous representatives from isolated communities.

The interpretation of national norms on protected areas caused the director of the Reserve to establish a second committee called *coordinadora inter-institucional*. This body is now working in "productive activities" such as agriculture and sustainable grazing outside the Management Committee. The objective of the *coordinadora interinstitucional* is to promote development in the protected area. However, only "development and conservation organisations" were present at the meetings convened by this new committee in 2005, such as Bolivian NGOs and private enterprises. The *coordinadora interinstitucional* thus does not seem to take into account the Tsimane' population, as it is not represented, although the Tsimane' are the owners and principal political decision-makers of the Reserve. The clear division between these two committees illustrates the institutional segmentation generated by the two norms (conservation and development) used within local decision-making. This segmentation is rooted in ideology and points to the difficulties that local agents face in trying to reconsider institutional, political, socio-cultural, ideological and territorial spheres.

However, the concentration of NGO and Reserve conservation activities in Pilón Lajas has enabled the accomplishment of notable results, even though this policy remains a source of contention for local groups. In 1997, forestry

enterprises left Pílon Lajas thanks to funding from the NGO Conservation International and the lobbying of local actors such as VSF and some indigenous organisations. The forestry company El Pino was forced to pay a large fine for environmental damage, based on an environmental law. Since then, no new forestry companies have extracted wood from the protected area. Even though some other forest concessions were given to community-based settler organisations in the south of the zone, indigenous people have been formally forbidden to exploit wood resources. This situation, along with a lack of development alternatives for indigenous people, is considered unacceptable by the indigenous regional council CRTM, whose aim it is to promote indigenous territorial security as well as economic development. Much tension has arisen between the Reserve, which defends the principles of conservation, and the indigenous organisations, that wish to promote development within their own communities.

It is a fact that the integration of indigenous communities in the market economy has important consequences on their consumption habits. Exploiting forest resources seems to be the only alternative for indigenous communities that need some source of income to send their children to school and to have access to costly goods and services. As a consequence, an important mechanism of illegal timber exploitation was developed between (Quechua and Aymara) settlers and indigenous populations (Tsimane' and Mosetene), which is similar to what is happening in the case of the Tsimane' Territory in San Borja. Settlers buy cheap labour and wood resources from the indigenous people; this should give the latter access to money and certain goods. However, in most cases, the Tsimane' fail to meet their expenses, due to lack of management and evaluation skills for calculating real production costs. Conflicts often erupt between these two population groups, and end sometimes with threats or legal battles, such as recently experienced by a former Tsimane' leader who was implicated in the "illegal" exploitation of wood.

Institutionally, there are still no clear mechanisms to allow sustainable exploitation of forest resources by the local communities. After the renouncement of the competent forest authorities (the *superintendencia forestal*) – due to a lack of funds and capacity that were previously provided by conservation NGOs – the Reserve authorities attempted to develop more or less short-term solutions. They are now implicated in elaborating "community management plans". However, these are difficult to implement with population groups that lack effective management skills and adequate means of production, wood processing and transport. The implementation of sustainable solutions

is made even more difficult because of pressure from the Andean settlers, whose political power and mobilisation capacity have grown and now greatly reduce the indigenous people's scope for autonomous action. More than once, the Reserve authorities were completely discredited by the leaders of the local federation of settlers (FEPAY³²) for their attempted sequestration of illegally extracted wood, to the point that their legitimacy was seriously compromised in the eyes of the majority of the population residing in the critical zones of the protected areas.

The indigenous authorities of the CRTM have been severely criticised and manipulated by the settlers, to the point that during their last mandate (2001–2005), they were forced to concede a considerable part of the Pilón Lajas territory to various community forestry enterprises founded by settlers (see Figure 1, p 160). This area, situated in the mountainous part of the protected area, is linked to major ecological stakes, since most waterways that irrigate the protected area have their source there. This territory should not be subjected to forest exploitation according to scientific studies undertaken in the area (Frere 1997; WCS 2005). Nevertheless, the previous mayor of the Palo Blanco municipality, to which this zone belongs, overtly manifested his disinterest in nature conservation. These municipal authorities are linked to powerful *madereros* lobbies, the main economic agent of whom – the former mayor of the town – owns important concessions within the Reserve. As forest resources represent such enormous financial potential, they generate continued waves of migration, which can only be mitigated by creating more effective land use strategies. The resulting sporadic and spontaneous colonisation leads to numerous conflicts among the settlers themselves, who diversify their allegiances with the dismembered local federal structures.

In the case of the municipality of Rurrenabaque, we can see that the symbolic valorisation of forest resources resulting from the expansion of tourism activities has improved the understanding between the municipal elites and indigenous organisations. Both sides are aware that economic expansion of the municipality now depends on conservation of both socio-cultural diversity and biodiversity. The problem is that other municipalities involved in the management of natural resources in Pilón Lajas are not currently benefiting from tourism incomes and continue to rely on an extractive economy. These controversial practices are compromising the development of tourism activities and are pushing indigenous people themselves to take part in illegal exploitation of forest resources, with the approval of their indigenous leaders (Figure 4). Indeed, the irregular funding received from IBIS, a Danish



Fig. 4
A Tsimane' (standing) and Quechua (sitting) worker "make a deal" on timber products in Pilón Lajas. (Photo by Patrick Bottazzi)

NGO, and the low taxes obtained from tourism activities are still insufficient to guarantee the administrative functioning of the indigenous organisation. If there is no improvement in financial autonomy, the indigenous council of Pilón Lajas (CRTM) is very likely to take part in wood extraction.

5.6 Indigenous governance

The protected area status of Pilón Lajas, used as a specific means to achieve biodiversity conservation, has led to the removal of the large forestry companies. However, the problems of deforestation and forest degradation have not yet been solved. The absence of development alternatives to radical conservation methods has driven the Tsimane' and Mosetene people living in the buffer zone of the protected area to exert increasing pressure on timber resources despite legal restrictions. In the power game in the region, the protected area plays a border role at both the physical and institutional levels of the territory. Except for the Reserve authorities, local actors have few possibilities of being involved in decision-making regarding natural resource

management in the protected area. Above all, the status of the Reserve appears as a devolution of government sovereignty over a territory which seems to be put “to rest” while waiting for possible future use. Negotiations begun in 1998 between the oil companies REPSOL and PETROBRAS and the former Ministry of Planning and Sustainable Development seem to confirm this.³³ It is interesting to note that faced with these developments, local authorities (municipalities, indigenous councils, civil society committees) came together in June 2005 to express their opposition to this kind of secret negotiations. This proves the capacity of different stakeholders in the region to achieve convergent mobilisation on conservation issues.

If the indigenous people in the region are to grasp the implications of current changes in indigenous political structures, it seems essential that they understand the processes involved in giving land titles to indigenous peoples, as well as the difficulties encountered in defining the competencies of each actor involved in the administration of territories. The link between citizenship and territory is strong enough today to even consider structural conformity between the two statuses. The unified nature of the titled territories and the resulting similar functioning of the two large entities (Tsimane' Territory and Pílon Lajas) has become the basis for a concentration of power and a bipolarisation of two distinct political entities (GCT and CRTM), both of which are struggling to clearly define their responsibilities and their means of local legitimacy. This new territorial situation implies the necessity of a construction of political relations between the village or “community” and its official representatives – the indigenous councils (GCT and CRTM).

The large geographical extent of the territory constitutes another obstacle to an open dialogue between the various constituencies of small-scale indigenous “nations” that are slowly developing. Indeed, transaction costs are inversely proportional to the capacity to communicate between communities and their representatives. For example, significant differences between the GCT (TT) and CRTM (Pílon Lajas) have become evident, due to the fact that the former has already received radio material and benefited from better infrastructure. However, irregular changes in leadership since the GCT's foundation have enabled the organisation to position its leaders very well in all kinds of negotiations related to the TT. All of the projects and negotiations for contracts signed with the forestry companies are led by a small number of individuals. Therefore, the revenues from these contracts are often either used for GCT administration, or they end up in the pockets of council members. In the case of Pílon Lajas, despite the presence of the

Reserve authorities, administrative skills relating to the territory prevented this type of abuse; it also created an obstacle to the institutional development of indigenous political structures. The council has only begun to gain strength since 2001, with support from external funds that has enabled it to become autonomous from the Reserve.³⁴

At the micro-local level, the construction of the “community” sphere took place primarily through the creation of the *reducción*, a name given to the concentration of indigenous people in centralised areas by the missionary regime in the 18th century. This led to a substitution of shamanic institutions by titles such as *corregidor* and *cacique* (Jaurequizar 1987; Lijerón Casanovas 1998; Daillant 2003). By including the authority of the *cacique*, the missionaries integrated a notion of socio-symbolic organisation that clearly referred to ethnic groups with Andean (e.g. Quechua and Aymara) rather than local origins. In the past decades, the establishment of a new representation of the territory (geometric and static) has led to a concept of territoriality that is also new to indigenous peoples, increasingly forcing them to become sedentary in order to benefit from external funding. The new political stake of legalising their territorial rights requires that these indigenous peoples rethink and reconstruct their “citizenship” project to achieve a participatory administration system and a system of natural resource management that corresponds to current national norms. Moreover, in a more general sense, they need to rethink their political affairs. Even though the statutes of indigenous organisations used to state that the *corregidor* must be elected annually by the members of the community, in most cases the decision-making power – and therefore the status of *corregidor* – was attributed to the first person to arrive in the area. At times, the latter would transfer this function to individuals who had arrived more recently; at other times, this function would temporarily rotate. These practices remained unpredictable, however, and they differed from one community to the next. Therefore, the practices relating to citizenship imposed by the change in territoriality status are still not well integrated at both the meso- and micro-political levels.

The difficulty that indigenous peoples experience in trying to understand the true nature of their own political issues increases when they are required to participate in different decision-making mechanisms, which are both parallel and sometimes contradictory. For matters relating to the Reserve, they are required to understand the urgency of elaborating the phases of five-year management plans for the protected area, and they have to send their delegates at specific dates which have been set beforehand by external consult-

ants. The same problem arises with issues relating to municipal planning, as well as with elections and monitoring by their political representatives (GCT and CRTM). The proliferation of political decision-making spheres – which we could call “institutional inflation” – results in a reluctance to accept the decisions that are made in these spheres. Contradictory public policies are therefore formulated in parallel, without any input from the affected population. These policies, which may derive from the municipality, the Reserve or the indigenous authorities, have a tendency to be based on an all-embracing understanding of the territory; they thus considerably simplify the complexities of the types of interactions which exist between the social micro-level sphere and the ecosystems that are directly linked with it. In order to achieve a more in-depth understanding of the public community sphere, it is therefore necessary to avoid multiplying competing political structures, but on the contrary, to strive for better cohesion as well as connection between the various decision-making levels.

5.7 Discussion and conclusion

Territorial historicity is a process by which multiple actors seek to put forward different claims to legitimacy with regard to a given physical space (Raffestin 1980). In the Amazonian lowlands, these legitimacies are drawn from various sources, such as formal or customary law, the history of successive migrations, and morals or values related to specific identities, all of which result in a sense of ethnicity. There is thus an “ethnicisation” of political spaces. This is both the cause and the result of a long process of institutional segmentation of space; the consequences of this segmentation can be observed in the superabundance of institutional mechanisms for territorial planning.

It is undeniable that the most prominent claim of indigenous organisations was once – and remains to this day – the recognition of the territorial and civil rights of the Tsimane', and more generally of a considerable part of the Bolivian population. This recognition equally implies a more clearly defined access to natural resources, with a corresponding legal context. Nevertheless, it clearly appears that the governance mechanisms in indigenous territories and protected areas need to refocus their public decision-making spheres. This renewal of focus should take place in particular at the level of the municipality, which is the only representative authority that is universally recognised; moreover, it is the only one that is uniformly socially legiti-

mate at the local level. The current positive tendency towards a progressive diversification and recognition of the socio-cultural origins of municipal representatives is leading to a more balanced and representative understanding of the municipality, which could in turn become an important interface for decision-making between groups that are still highly divided. Issues such as “indigenous identity”, “migration”, “conservation” and “development” could then be discussed within the same political sphere, instead of being simply the result of particularistic interests of the distinct institutional authorities, leading to absolute confusion among local people, who are concerned first and foremost with the decisions taken and the policies made. The present form of fractured organisation is well rooted in the socio-ethnic and physical characteristics of the territory, but it results in contradictory forms of appropriation of natural resources. This hinders the search for solutions aiming at greater ecological sustainability, social equity and sustainable development. The overabundance of political organisations and administrative procedures entails a financial cost that is nowadays paid directly through the overexploitation of natural resources. Within each of the settler, indigenous and mestizo population groups, there are distinctive competencies that would benefit all by being brought together through the creation of a more cohesive framework for effective, deliberative and open dialogue.

Abbreviations

ADN	(Acción Democrática Nacionalista): Political party in Bolivia
ASL	(Asociación sociales de lugares): Association of Forest Producers
CESA	(Centro de Servicios Agropecuarios): Bolivian agro-pastoral NGO
CIDDEBENI	(Centro de Investigación y Documentación para el Desarrollo del Beni): Bolivian NGO promoting scientific research for indigenous people
CPIB	(Central de los Pueblos Indígenas del Beni): Indigenous organisation in Beni Department
CRTM	(Consejo Indígena Tsimane' Mosekene): Tsimane' Mosekene Regional Council
CSCB	(Confederación Sindical de Colonizadores de Bolivia): Bolivian Colonists' Syndicate Confederation
CSUTCB	(Confederación Sindical Única de Trabajadores Campesinos de Bolivia): Bolivian Workers' Syndicate Confederation
EBB	(Estación Biológica de Bolivia): Biological Station of Beni
FECA	(Federación Especial de Colonizadores Agropecuarios de Rurrenabake): Rurrenabake Federation of Colonists
FEPAY	(Federación Especial de Productores Agropecuarios de Yucumo): Yucumo Federation of Agroecological Producers
FGSB	(Federación de Ganadero de San Borja): San Borja Federation of Livestock Breeders
FNMCB	(Federación Nacional de Mujeres Campesinas de Bolivia "Bartolina Sisa"): Bolivian National Federation of Women Peasants "Bartolina Sisa"
GCT	(Gran Consejo): Grand Tsimane' Council
INC	(Instituto Nacional de Colonización): National Institute for Colonisation
INRA	(Instituto Nacional de Reforma Agraria): National Institute of Agrarian Reform
MAB	UNESCO's Man and Biosphere programme
MNR	(Movimiento Nacional Revolucionario): Political party in Bolivia
OCOR	(Organización de Comunidades Originarias de Rurrenabake): Indigenous organisation of Rurrenabake
OTB	(Organización Territorial de Base): Grassroots territorial organisation created with the 1994 participation law
PETROBRAS	Brazilian oil company
PODEMOS	Citizen organisation in Bolivia replacing the ADN party
REPSOL	Spanish oil company
RGAP	(Reglamento General de Áreas Protegidas): General Rules on Protected Areas
SERNAP	(Servicio Nacional de Áreas Protegidas): National Service for Protected Areas
TCO	(Tierra Comunitaria de Origen): Communal land of origin
TT	Tsimane' Territory
UFM	(Unidad Forestal Municipal): Municipal Forestry Unit
UOB	(Unidad Operativa Bosque): Local unit of the national forest agency (<i>superintendencia forestal</i>)
VSF	Vétérinaires sans Frontières (French NGO)
WCS	Wildlife Conservation Society

Endnotes

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² In this paper, "Bolivian Political and Environmental Reforms" (BPER) refers to the whole package of state reforms that define specific modalities for natural resource management. This concerns the following laws: Environmental Law No. 1333 of 27 March 1992; Popular Participation Law No. 1551 of 20 April 1994; Decentralisation Law No. 1654 of 28 July 1995; Forestry Law No. 1700 of 12 July 1996; INRA Law No. 1715 of 18 October 1996.

³ *Tierra Comunitaria de Origen* (TCO) is a collective land title created especially for indigenous groups in the 1996 INRA law.

⁴ Among these organisations are the municipality of San Ignacio, the San Ignacio Federation of "Juntas Vecinales", the Indigenous Cabildo de Trinidad and the Centrale de Cabildos Indígenales Mojenos (all local indigenous organisations).

⁵ At that time there was no formal legislation for indigenous territories.

⁶ 1. Supreme Decree (SD) No. 22609, dated 24 Sept. 1990: indigenous territory of Siriono; 2. SD No. 22610: Isiboro-Secure National Park (Mojeños, Yuracare and Tsimane'); 3. SD No. 23611: two Tsimane' indigenous territories: a) Territorio Indígena Tsimane' (TT) (392,220 ha); b) Territorio Indígena Multiétnico (TIM) (Mojeños, Tsimane', Yuracare and Movima).

⁷ Supreme Decree No. 23110 dated 9 April 1992.

⁸ On 4 April 1996, in the same document CIDOB's president, Marcial Fabrican Noe, requested that the land titling of the following indigenous territories be recognised by supreme court decrees: TIPNIS, TIM, Siriono, TT, Araona, Weenhayek, Chiquitano, Pilón Lajas, Yuqui. Pilón Lajas received its final title as a TCO on 27 April 1997.

⁹ On 3 March 1998, Luiz Marcus was designated President of the Reserve by Dr. Gabriel Baracatt Sabat, the director of the DGB (Dirección General de la Bioversidad under the Ministry for Sustainable Development and Planning).

¹⁰ Forestry Law No. 1700 dated 12 July 1996.

¹¹ Art. 47 section II of the General Rules on Protected Areas (Supreme Decree No. 24781 dated 31 July 1997).

¹² Supreme Decree No. 25925 dated 6 October 2000.

- ¹³ Confederación Sindical Única de Trabajadores Campesinos de Bolivia, Central Sindical de Colonizadores de Bolivia, Confederación de Indígenas del Oriente Boliviano, Federación Nacional de Mujeres Campesinas de Bolivia “Bartolina Sisa”.
- ¹⁴ The main point of the decree is found in Art. 2: “Los Consejos de Administración de Áreas Protegidas estarán conformados en un 50% por representantes locales de campesinos, indígenas y colonizadores y en el otro 50% por los gobiernos municipales cuya jurisdicción coincida con el Área protegida.” (“The administrative council of protected areas shall be constituted half by the legal representatives of farmers, indigenous people, and settlers, and the other half by the members of the municipal council whose circumscription overlaps with the protected area.”)
- ¹⁵ “Territory-based organisations” (OTBs) is a title given by the state to express its formal recognition of a community-based organisation. The title has existed since the 1994 Popular Participation Law.
- ¹⁶ Art. 149 of Supreme Decree No. 24781 dated 31 July 1997.
- ¹⁷ Between 1700 and 1791, the population of San Borja decreased from 1200 to 455 inhabitants (Vaca 2003:47).
- ¹⁸ Between 1992 and 2001, the population of San Borja increased from 24,251 to 34,363 inhabitants, 56% of whom were urban (INE 2001).
- ¹⁹ The Biological Station of Beni (EBB) was founded in 1982 with the support of the NGO The Nature Conservancy, benefiting from funds acquired thanks to the exchange of debts owed to the US for the conservation of the area. Its management was partly undertaken by the Bolivian Academy of Sciences until 2005. The station is currently managed by SERNAP, under the control of the GCT, whose president also chairs the meetings of the management committee. Only 20% of the EBB spills into the Indigenous Tsimane’ Territory (TT).
- ²⁰ The term *camba* is an indigenous Guaraní word that refers to the mestizos and Creole population in the eastern parts of Bolivia. The indigenous people who inhabit the Andean zones are called *colla*, referring to Collasuyo, part of the ancient Inca Empire.
- ²¹ The family names of a number of mayors since the foundation of San Borja as a municipality show a strong Lebanese influence; these names are found across the entire department of Beni: Majluf, Nahim, Abdón, Asbun, Ganem, Haiek, Daguer, Farach.
- ²² The former national representative of the ADN party, Tuto Quiroga, stood as a candidate for the presidential elections by founding his own party: since then, the partisans of the ADN have nearly all left to join PODEMOS. PODEMOS is not a political party but a citizen organisation. It was constituted during the last presidential election of 2005 to replace ADN, which was losing all credibility.
- ²³ According to the latest population census, out of 1568 interviewed individuals over 18 years old, 86% do not have proper civil registration. This census also showed that the illiteracy rate of the entire ‘Tsimane’ population is around 72% (CIDDEBENI 2003). According to Law No. 2026, the distribution of identity cards to indigenous people must be free of charge; however, the municipality and prefecture civil registration offices do not have the financial means to undertake this work and therefore have to charge a fee.
- ²⁴ According to the Law of Municipalities, the condition for founding a *sub-alcaldía* is to have a total population of 5000 inhabitants.
- ²⁵ This institution was also created in 1994 with the Popular Participation Law, with the aim of achieving better accountability between community-based organisations and local authorities.
- ²⁶ Some forestry companies in the area are still working with legal management plans.
- ²⁷ Indigenous population living in the north of Pilón Lajas.
- ²⁸ The division of Pilón Lajas by municipal constituency varies by about 8%, depending on the position of each municipality: Rurrenabaque (46.7% to 38.8%), San Borja (4.6% to 12.5%), Apolo (18.4%), Palos Blancos (30.3%).
- ²⁹ *Motosierrista* means “chainsaw man”.

³⁰ Source: Deputy Ministry of Tourism.

³¹ This refers to the Director of what is called the Biosphere Reserve and Indigenous Territory of Pilon Lajas.

³² The Federación de Productores Agroecologicos de Yucumo. This organisation recently changed its name; it used to be called Federación de Colonisadores de Yucumo. This term was considered “pejorative” by members after the arrival of “conservationist” NGOs in the region.

³³ In 1998, the oil company REPSOL signed an agreement to undertake its own environmental impact assessment in a zone that simultaneously covered the Pilon Lajas Reserve as well as the Madidi National Park. The study was suspended until the resolution of negotiations regarding the national petroleum law. On 30 October 2001, another contract was signed with the PETROBRAS company, allowing exploitation of petroleum resources over 1 million ha of land. 60% of this land is within protected area and indigenous territories. Of these, 146,207 ha are in Pilon Lajas.

³⁴ Due to the complexity of the issue of Tsimane’ leadership and lack of space to expound it in this paper, I mention only the essential points.

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6 **Natural Resources Contested in Autonomous Councils: Assessing the Causes of Ethnic Conflict in North-East India**

Sanjay Barbora¹

Abstract

Constitutional arrangements for peripheral areas in India reflect the national government's instrumentalist attempts at decentralising bureaucratic and administrative control in far-flung (essentially hill) areas. Karbi Anglong is one of the two hill districts in Assam where there are special constitutional provisions for indigenous ethnic groups to elect and run their own councils. The constitutional provisions allow for nominal control over forest and land by allocating certain areas of the territory to the Autonomous Council, which then re-allocates these areas to its political constituencies. This article explores the reasons why, despite the constitutional efforts at decentralisation of powers to Autonomous Councils, violence between different ethnic groups and the state continues to define the civic and political discourse in Anglong district.

Keywords: Autonomy; colonialism; constitutionalism; frontier; indigenous; militarisation.

6.1 Introduction

Movements for ethnic autonomy have marked the political discourse in Assam for the last decade. While some movements have resolutely expressed the need for more autonomy within the present administrative set-up, others have developed more militant, secessionist ideas for a political and geographical demarcation of territory. The autonomous districts in Assam, formed under the auspices of the Sixth Schedule of the Indian Constitution, are a showpiece for the state's capacity to address indigenous ethnic aspirations in the North-East. First and foremost, the councils of these autonomous districts are meant to devolve judicial, legislative and executive powers to those over whom they are exerted. The genesis of the Sixth Schedule is itself a question that requires special attention. There is no randomness in the author's choice of field area(s). Karbi Anglong tests the administrative logic that decreed the creation of these autonomous entities/territories by questioning its almost naïve faith in the ability of constitutional arrangements to resolve complex (and contentious) issues centred on identity.

Karbi Anglong was created as a district of Assam in 1951. A year later, its council was granted the status of an Autonomous District Council. Rather than pave the way for providing the indigenous people of the hills with a successful experience of institutional autonomy, this arrangement was gradually challenged by the emerging educated classes.

In order to understand this reality, the present article focuses on (a) the interaction between national centres and local peripheries; (b) the structuring of political space as an outcome of this interaction; and (c) the success in redefining *sovereignty*, *citizenship* and *control* over natural resources in Karbi Anglong district.

Karbi Anglong district is situated in India's truculent North-East corner, beyond the densely populated Gangetic plains. The following section gives an introduction to its geographical, social, cultural and political position within the Indian federation and the state of Assam. This provides the background for the theoretical positioning of the present arguments within debates on the state, civil society and frontiers (section 6.3). Section 6.4 describes the workings of the Autonomous Council of Karbi Anglong and its relations to traditional village chiefs, focusing on the question of access to land. Popular mobilisation against the state and the Council are the theme of section 6.5, while section 6.6 provides some explanations for the complex processes at work. Conclusions are then drawn in section 6.7.

6.2 The context

Assam was colonised by the British following the treaty of Yandabu in 1826. The treaty was concluded between the East India Company and the King of Burma, stipulating that the latter give up all claims to territory including the kingdoms of the Ahom and Manipuri kings.² During the colonial period, parts of present-day Karbi Anglong district were demarcated as the Mikir Hill tract and designated by a Government of India act as being a “backward tract” in 1919 (Agnihotri 1996, p 58) and thereafter as an “excluded area” and “partially excluded” area in 1935. Until 1884, there was no administrative boundary for the region and it was grouped together with the valley districts of Nagaon and Sibsagar, as well as Cachar Hills district.

Although the hill districts (in present-day North-East India) were generally indirectly controlled by the colonial administration, the expansionist legal regulations introduced in the colonial period gradually altered their systems of governance. These administrative units in the hills were headed by natives who directly served the colonial administration. Such situations frequently gave rise to conflicts between indigenous institutions and the newly established colonial ones. For instance, disputes generally settled by indigenous institutions gradually shifted to a colonial forum for their resolution in cases where one of the disputing parties was a colonial subject or employee. Thus, in theory, the colonial government indirectly controlled the hills as the latter were content to directly control the valley areas and the plantations in the foothills. In practice, however, the relationship between the colonial administration and the hills was that of a disciplinarian on one side and ‘savages’ on the other. The movement of people into the hills was regulated, while farmers, indentured workers, wage earners and professional soldiers from outside the region began to settle around the foothills and in the valley. The area, once predominantly inhabited by local indigenous tribes such as the *Karbi*, *Tiwa*, *Dimasa* and *Jaintia*, saw a small inflow of Bengali settlers who occupied the lower-level clerical jobs in the railway companies in the early 20th century, and of Bengali- and Hindi-speaking peasants and labourers who were engaged in constructing railway lines and clearing forests. In addition to these groups, there was a large-scale movement of indentured labourers who came from central and eastern India to work on the tea plantations of Assam (Guha 1977).

Following the transfer of power (from colonial Britain to independent India) in 1947, much of the North-East was transformed into the Indian province of Assam. Throughout the 1960s and 1970s, other states³ were carved out of

the province in order to address ethnic aspirations and also to enable greater administrative control over the region. The Indian Constitution allows for the break-up of existing states by a ruling of parliament, and following such a ruling, the province of Assam was reorganised into the states of Nagaland (1963), Meghalaya (1972) and Mizoram (1987). Although a constitutional guarantee of statehood was offered to politicians of the hill districts of Karbi Anglong and North Cachar Hills in 1972 via Article 244(A) of the Indian Constitution, local *Karbi* and *Dimasa* politicians did not demand such a state until 1986 when students and (mainly) *Karbi* and *Dimasa* politicians formed the Autonomous State Demand Committee (ASDC).⁴

This movement for a separate autonomous state within the constitutional framework of India did not advocate an armed struggle. It sought to remain broadly based, with a non-ethnic pursuit of common goals of the people of Karbi Anglong (and North Cachar Hills). It received overt support from left-wing parliamentary organisations such as the Communist Party of India (Marxist-Leninist) and was backed by a broad cross-section of the educated indigenous people of Karbi Anglong and North Cachar Hills, managing to tap into the radical segments of both youth and peasantry.

However, there was a vertical split within the ASDC in the 1990s. Some sections of the movement took up arms and began a parallel process of targeting Hindi- and Nepali-speaking settlers, mainly in the foothills of the two districts. While security analysts attribute the split to internal contradictions and to the inevitable criminalisation of the autonomy movement, activists and autonomy practitioners in both the districts often state that the national government's refusal to engage with the movement for an autonomous state and the lack of debate on autonomy were responsible for this rupture.⁵ On the one hand, there was an outright split in the organisation as the Communist Party of India (Marxist-Leninist) broke off its ties with a larger section of the ASDC led by Holiram Terang; on the other hand, a radical section of the educated youth in the state had begun to propagate the idea of an armed struggle to occupy the traditional lands of the *Karbi* and restore rule by traditional indigenous leaders. The movement for autonomy therefore had to contend with different aspirations ranging from constitutional statehood to an ethnic homeland for indigenous peoples – a point that has been reasserted in the course of several violent conflicts over resources in the district (Prabhakara 2003). The armed movement extended its targets to include other groups living within Karbi Anglong and classed as 'tribals' by the Indian Constitution, but whom the armed (mainly *Karbi*) militia considered to be encroachers.

Attacks by the militia had often led to counter-violence, either by competing tribal militias or by Hindi-speaking settlers aided by sections of Indian paramilitary personnel (NPMHR et al 2002). Though opinions vary as to the cause of such conflicts, they occur within a rural milieu, with frequent assertions of loss of land, disputes about employment, and as part of an ethnic homeland discourse (Prabhakara 2003).

Political issues aside, such splits, though couched in the political language of factionalism, have resulted in numerous incidents of ethnic violence between the *Karbi* and those whom they perceive to be ‘encroachers’ on their territory. However, the armed ethnic militias as well as the more moderate mainstream movement are united in their desire to recreate a more pristine homeland that not only challenges the limits of the current autonomy arrangement, but also seeks to attain radical solutions beyond the purview of the constitution. Due to the weight of past administrative frameworks (in the colonial period), the district authorities in Karbi Anglong are confronted by a set of modern demands that arise from the need for further democratisation and devolution of powers, but have to respond within the confines of a policy framework that does not consider these needs to be central to the well-being of the larger national body. Hence, as is explained in sections below, these demands for change get transformed into movements for homelands in which other communities have no place.⁶

6.3 Theoretical debates

State, civil society, frontiers and violence are key concepts that need to be addressed when researching conflicts in Karbi Anglong. The nation-state as a modern construct draws upon older forms of association. In Asia, the modern nation-state was grafted onto older structures that had developed indigenously (Winichakul 1996, pp 67–91). The present-day Indian state, for example, was a complex political creation that involved a transition from colonial empire with the inclusion of older regional geo-social formations (Chapman 2000, pp 77–86). Historically, the region of Assam forms a zone that can be seen as the north-eastern frontier of South Asia, as well as the north-western frontier of South-East Asia. Willem van Schendel (2002, pp 647–668) includes it in his reconstruction of a physical space that has been excluded from dominant discourses on geographical realignment of area studies (in Asia) and political decision-making following the period of decolonisation of large parts of South and South-East Asia.

The region's pre-colonial political and social landscape was a reflection of the multi-dimensional migrations into its hills and valleys. It comprised old kingdoms and chiefdoms as well as wide swathes of land where the authority of the kings and chiefs was negligible. Commercial interests, coupled with a keen eye on geopolitical balance of power, led the British to "draw lines between hills and plains, to put barriers on trade between Bhutan and Assam and to treat Myanmar as a strategic frontier – British India's buffer against French Indochina and China" (Baruah 2004, p 5). During the course of the anti-colonial struggle in the 20th century, these notions about the region being a frontier were not challenged. In the emerging historiography of the region, there was an attempt to restructure the relationship between the region and the national hinterland with an overriding emphasis on establishing a place within the national space of the emerging idea of India (Kar 2004, p 55).

The development of social and political structures in the north-eastern region of India has been characterised by extreme levels of violence for the last two decades. This violence has taken myriad forms. It has appeared as an outright conflict of interests between ethnic groups and the state (India), within ethnic groups and, at times, for or against notions of development. Natural resources and identity remain the first – and often last – explanation for these eruptions of violence. On the one hand, armed groups professing allegiance to certain ethnic groups in the state have been involved in militant political activities directed mainly towards the preservation of their resources and identity. In some cases, this armed struggle has involved alliances across ethnic boundaries, subverting officially sanctioned definitions of the problem as being one of migrants versus locals. On the other hand, the response of the state apparatus has been to restrain, regulate and repress these demands at various moments in time. This has led to the institutionalisation of authoritarian practices that, though localised, are rather jarring (Baruah 2005, p 3). For instance, in their efforts to manage and contain violence in the region, the state has relied mostly on the military and other sections of the security apparatus to aid civic administration.

The construction of a political society in such instances needs further examination, considering Habermas' criteria for identifying what constitutes a civil society. Habermas' idea of the 'public sphere' is a conceptual resource which designates a theatre in modern societies in which political participation is enacted through the medium of talk (Fraser 1993, pp 110–111). The public sphere in its classical/liberal bourgeois guise was partial and narrowly based in that sense, and comprised a field of conflict, contested meanings

and exclusion. Thus the meaning of ‘civil society’ is constituted through the ‘original’ separation and opposition between the modern, public or civil world and the modern, private or conjugal and familial sphere: that is, in the new social world created through contract, everything that lies beyond the domestic (private) sphere is public, or ‘civil’, society (Pateman 1989, pp 31–32).

However, a conception of civil society in accordance with this liberal Western construct is inconsistent with realities in less-developed capitalist societies. If one takes civil society in its characteristically modern sense – as a way of mediating the range and terrain of voluntary associations that exist between economy and state – one recognises that there are two reasons why such a conception is challenged by politics in frontier regions. First, societies in frontier regions are typically shaped by a legal order that is both autocratic and militarised (Baruah 2005). Second, such societies are less oriented towards the individual than other societies, since they are part of peripheries where the attraction of the nation-state and of citizenship is weak; they rely more on peoplehood⁷ constituted by genealogical and kinship ties (Murray 1997, p 11). It is apparent, therefore, that societies in peripheral, militarised regions have to be judged using different criteria from the ones that Habermas puts forward.

Throughout this paper, I shall continue to construct state and civil society on provisional lines that reflect the nature of political society in Karbi Anglong. Echoing similar concerns, Biswas and Bhattacharjee (1994, pp 232–245) state that “ethnic movements in the North-East can be understood in terms of a contest over greater social, political and cultural spaces, the spaces in which the ethnic communities were not hitherto represented. This non-representation is further explained within the context of rights, power and authority, which cause ethnocentric concerns to find their expressions and contestations in many possible ways.” In this quotation, contestation against the ‘other’ assumes the most explicit form in social spaces (i.e. mobilisation). The ‘other’ is characterised in terms of an undifferentiated concept of citizenship, as enshrined within the Indian Constitution, since the constitution does not recognise the claims of an identity distinct from others represented within the nation and the state. This contrast between the statist view and collective aspirations is accentuated by a number of mediating measures (undertaken by the state) that apparently reconcile the diverging representations that communities have of spaces within the concept of the nation. It is possible to situate the ethnic polarisation in the *Karbi* areas in the context of a

lack of mediating measures that could accommodate the different responses. The persistence of a colonial heritage in the political structures in the region only accounts for one aspect of the central (national) government's objectives – that of political and territorial unity. In the process, the Indian state's propensity to carve out states to satisfy the political elite suggests that it is more tolerant of ethnic aspirations. However, the fact that it has a definite ethnic agenda of its own – an agenda that is shaped by policy machines that are not 'ethnically neutral' – actually negates the provisional safeguards in its constitution (Brown and Ganguly 1997, pp 7–19).⁸

6.4 Controlling the Autonomous District Council and its resources

As was briefly alluded to above, following the transfer of power in 1947, the Bordoloi Committee sought to preserve and promote certain rights for so-called 'backward communities' who lived in a contiguous area in the colonial province of Assam. The Sixth Schedule of the Indian Constitution was a direct expression of these deliberations within the higher political echelons of post-colonial India.

Karbi Anglong, equipped with the provisions of the Sixth Schedule, has a different policy framework in terms of land tenure and the laws that regulate access to other natural resources. In order to check migratory influx, the Executive Committee of the Autonomous District Council resolved to (a) give preference to bona-fide scheduled tribe members of the district in matters of settlement; (b) give second preference to scheduled tribe members coming from North Cachar Hills; (c) ban settlement of any non-tribal members coming to the district after 15 August 1947; (d) allow victims of natural disasters to be settled in the district after due investigation; and (e) reserve wastelands suitable for wet paddy cultivation for scheduled tribes of the district.

Despite its limitations, control over the Autonomous District Council is a matter of political prestige for political parties and local politicians. Indeed, control over the Executive Committee is a matter of political survival for many local politicians in the district. Local politicians who are elected into the Council generally have to follow the narrow path prescribed by the constitutional rulebook and the bureaucratic guidelines set by the Governor of Assam and the state government's officials.

The question then arises as to the form of autonomous regime defining the powers of the Council. While this may seem to be a progressive element of democratic rule, in fact the manner in which the Autonomous Councils are governed and the kind of competition generated by the struggle for control of the meagre resources left to the Council is indeed remarkable.

The voters of Karbi Anglong send one representative as a Member of Parliament to the centre in New Delhi and elect four members to the legislative assembly in Assam. They also elect members to the Autonomous District Council. Under the provisions of the Sixth Schedule of the Indian Constitution, the District Council has the power, in respect of all the areas within its jurisdiction, to make laws regarding the allocation, occupation, use or reservation of land (other than a reserved forest⁹); this can be either for the purpose of agriculture or grazing, or for residential or non-agricultural purposes that are likely to promote the interests of the inhabitants of any village or town in the district. The laws prevailing in the plains districts of Assam are not applicable in the Sixth Schedule districts.¹⁰

The Mikir Hills District (Transfer of Land) Act of 1959 stipulates that no land under the jurisdiction of the District Council Authority shall be sold, mortgaged, leased, bartered, gifted or otherwise transferred to a non-tribal or by a non-tribal to another, *except with previous permission of the Executive Committee of the District Council* (Karbi Anglong District Council 1987). Currently, land in Karbi Anglong has four gradations: (a) State reserved forests; (b) District Council reserved forests; (c) Unclassified forests comprising the hills and low-lying forests; and (d) Land suitable for wet-rice cultivation (Bordoloi 1986, pp 120–148). Categories (b), (c) and (d) are under the purview of the Sixth Schedule, hence under the control of the District Council. In category (c) – i.e. ‘Unclassified forests’ – farmers may apply for ownership in the low-lying forest areas, whereas in the hills, forests are considered to be ‘common’ or ‘community-owned’. The District Council’s statistics say that, out of a total area of 10,434 square kilometres (for the district of Karbi Anglong), as much as 4,922 square kilometres are designated as area under forest. There are 14 state reserved forests and 17 District Council reserved forests.¹¹ Therefore, the District Council only has the right to raise revenue from a reduced area, since part of the area under forest belongs to the state of Assam. In this case, the council is accorded a managerial role and is entitled to set and collect taxes from areas under its control (i.e. District Council reserve forests, unclassified forests and areas suitable for wet-rice cultivation). Unclassified forests often overlap with *jhum* (shifting cultivation) fields that have been apportioned to indigenous farmers by the authorities.

Jhum, or shifting cultivation, is the prevalent agricultural practice in the hills. This categorisation is bureaucratic and does not correspond to *Karbi* memories of earlier, community-oriented land ownership idealised by anthropologists and *Karbi* public intellectuals (Das 1986, pp 28–38; Ingti 1999, pp 65–72). According to this idealised notion, *Karbi* society in the hills was divided into three territorial groups, namely *Chingthong*, *Nilip Ronghang* and *Amri Marlong*. It is believed that, in the past, these territorial groups lived in three specific regions or within three separate territorial jurisdictions. In the plains areas of the district, each village has a definite boundary and almost all cultivable land within the jurisdiction of the village boundary is used for crop cultivation. The villages situated in the hills are further divided into two semi-official categories, which have some resonance with the idealised notion of *Karbi* land ownership, i.e. (i) villages with permanent sites that are not shifted to the rotating plots and (ii) villages without permanent sites that are relocated to the rotating swidden plots.

In the plains areas where people have ownership rights – this sometimes includes recent settlers – the District Council (or any other government agency) cannot take over cultivable land for any public purpose without paying due compensation. Such provisions do not apply in the hills. Accordingly, the councils and village chiefs (who can either be appointed by the administration or whose position is hereditary) become the sole figures of authority able to grant and renew leases and land titles. Despite important constitutional amendments to change governance in the rural areas of India, the situation in Karbi Anglong – as an essentially under-developed region where arable land and wilderness meet – has not changed since the inception of the Autonomous Council just after India's independence.

However, as a leading member of the Autonomous State Demand Committee has pointed out, this has not prevented a phenomenal population growth rate in the district, with much of the growth attributed to the presence of settlers.¹² This decadal growth rate is, however, contested by official data of the government that put the 1991–2001 growth in Karbi Anglong at 2.1%.¹³

In order to check this influx, the Executive Committee of the District Council resolved to (a) give preference to bona-fide scheduled tribe members of the district in matters of settlement; (b) give second preference to scheduled tribe members coming from North Cachar Hills;¹⁴ (c) ban settlement of any non-tribal members coming to the district after 15 August 1947;¹⁵ (d) allow victims of natural disasters to be settled in the district after due investiga-

tion; and (e) reserve wastelands suitable for wet paddy cultivation for scheduled tribes of the district. These provisions bestow enormous legal powers on the council, but it does not necessarily mean that the council is able to exercise all these powers in an unhindered manner without any intervention on the part of the state government located in Guwahati. The bureaucracy and members of the political elite in Assam and India have actively intervened to ensure particular forms of political behaviour. Hence, most of the clauses of the provisions are routinely subverted. One loophole in the implementation of these provisions is linked to the fact that electoral politics (and political parties) have a major stake in the allocation of land. In smaller villages around the fringes of the district headquarters (i.e. the administrative 'capital') of Diphu, most of the lands currently used by the inhabitants used to be forest lands that were given as grants to supporters of the ruling party at the Executive Committee level. All the *Karbi* inhabitants of the village were granted titles to approximately 2 *bighas*¹⁶ of forest land for *jhum* cultivation. Similarly, in Kheroni sub-division, settlers can lay claim to vast tracts of land provided they are able to prove that they procured the land by one of the many quasi-legal land transfer mechanisms.

Questions about the developmental activities of the Autonomous Council are routinely answered in small pamphlets that stress the 'achievements' of the current Executive Committee. The Council thus publishes its achievements in respect of tourism, forestry, agriculture and infrastructure; regarding the district's structural political discourse, however, the narratives are more about the lack of funds and the overwhelmingly parsimonious attitude of the state government that is supposed to provide for the political infrastructure allowing the Autonomous Council to function properly (Kikon and Das 2005). A further concern is the nature of powers exercised by the central government, which in fact exerts governmental control via the offices of governors and thereby takes away autonomous decision-making capacities from institutions such as the District Councils (Samaddar 2004).

The decisions taken by the members of the Autonomous Council are implemented by bureaucrats (who need not be from the region), while the elected members are responsible for ensuring that planned work (designed outside the district by national or state bureaucrats) and finances find their way to their constituencies. Under the terms of the Sixth Schedule, any area notified as an autonomous region by the Governor of the state is entitled to a District Council comprising 30 members. The Governor of the state appoints four of these while the others are elected. Thereafter, it is the Governor who

drafts the rules for the District Council in consultation with representative tribal organisations. It is worth noting that it is the Governor who has the final say in establishing and dissolving the Council. As for its finances, the Autonomous District Council receives a meagre amount from business and commercial companies and some land revenue. A district and regional fund, endowed and managed by the Governor, is its main source of financing.

There is another, more *de jure* factor that has an impact on the functioning of the Council. Village chiefs, as mentioned above, have the right to authorise the settlement of land. Such allocation is influenced by several factors, not all of them based on the actors' needs. For example, village chiefs who owe allegiance to a political party often push for land leases (or titles) for their party members (Barbora 2002, pp 1285–1292). Such matters routinely complicate things when issues of ownership and the use of common resources are challenged. Many non-*Karbi* (and non-tribal) inhabitants of the district resent the authority bestowed upon the village chiefs. In the foothill areas where cultivation is more intensive, forests that are nominally under the care of the council are sometimes declared permanent grazing reserves (PGRs), over which village chiefs exercise managerial control (but not proprietary control). Non-*Karbi* (mainly non-tribal) graziers and tenants of land – especially those who have *de facto* control of prime farmland and grazing land – find this unacceptable and have conducted a sustained, albeit contentious campaign for the repeal of PGRs and for the authorities to grant tenure rights to non-tribals as well (NPMHR et al 2002). Under such circumstances, it becomes all the more important to establish where such traditional authority comes from and how it is perceived (either as an impediment to development or as a tool for garnering support) by indigenous actors, since the law clearly has loopholes that are often manipulated by non-*Karbi*/non-indigenous persons within the autonomous area.

The following section focuses on the development of methods of mobilisation employed by indigenous people and their political leaders, as well as radical elements within indigenous communities. In the complex politics of political mobilisation, one finds that issues such as underdevelopment, control over natural resources and dominance of a territorial unit by ethnic groups are repeated to such an extent that they become the basis for disputes and competition. Furthermore, the institutional structures of the Autonomous Council are not oriented towards the resolution of identity- and resource-based conflicts. The Sixth Schedule actually allows a discourse of competition to be transformed into one of political disputes.

6.5 Methods of mobilisation – and violence

As mentioned above, the Autonomous State Demand Committee (ASDC) was formed in 1986. Since its inception, it has presented itself as an anti-Congress formation¹⁷ led mainly by students who had participated in the Assam agitation and offered a different perspective on development and change for indigenous people. The demand for an autonomous state was used to draw attention to other issues such as the control of resources and the developmental needs of this so-called backward district. Creating another state, which would sever off Karbi Anglong and North Cachar Hills, was always a possibility given the existence of Article 244(A) of the Indian Constitution.¹⁸ However, political manoeuvres resulted in periodic clashes between the Congress and the ASDC.

The political mobilisation of the ASDC did not target any group and continued to speak in terms of the people of the district. However, discordant notes were sounded within the autonomous state movement itself. In the elections to the Executive Committee of the District Council (that administers the autonomous district) in 1989, the ASDC won as many as 22 of the 26 seats. In its election manifesto, its leader Jayanta Rongpi stated that the objective of his party and the movement it had established was to “achieve more decentralisation of the political, economic, socio-cultural and parliamentary power and restore them (...) to the people of the region through the formation of an Autonomous State” (ASDC 1989). He went on to assure other ethnic groups in Karbi Anglong that the movement was not hostile to non-*Karbi*s and promised to check fratricidal strife among the different ethnic groups living in the territory.

In June 2000, members of the United People’s Democratic Front – an ethnic militia comprising militant *Karbi* youth – carried out attacks against Hindi-speaking agriculturalists in Hamren sub-division of Karbi Anglong. In retaliation, the settlers, armed and aided by the Central Reserve Police Force (CRPF) stationed nearby, attacked *Karbi* villages, looting property and killing many *Karbi* farmers. Similar violent events targeting settlers occurred in 2001 and 2002. In 2003, a fresh series of ethnic conflicts erupted, mainly due to the divisions between the *Kuki* and *Karbi* communities in the area of Singhason Hills. In March 2004, suspected members of a *Karbi* militia killed six *Kuki* ginger growers who had refused to pay them the taxes they demanded. In retaliation, members of the *Kuki* Revolutionary Army (a *Kuki* ethnic militia) raided three villages and killed as many as 30 *Karbi* farmers.

The autonomous state movement was officially non-violent and did not receive any response from the state, either to address the core issue of a separate state (within the framework of the Indian Constitution) or to take stock of the growing frustration (with the Autonomous Council) of local indigenous politicians. It is true that the campaign initiated by the ASDC culminated in the signing of a memorandum of understanding (MoU) between the party (ASDC) and the government, whereby it was decided that new departments would be handed over (by the state government) to the control of the District Council. This was initially hailed as a victory by those campaigning for autonomy within the legal framework of the Indian Constitution (Dutta 1993). However, even the transfer of control of departments and the signing of the MoU could not arrest the growth of a violent armed movement in Karbi Anglong district. The related violent events, however, drew an immediate response from the authorities.

The armed movement in the district started in the 1990s with the formation of the *Karbi* National Volunteers (KNV). The movement had some support from official organisations, but it was alleged to be financially and ideologically supported by groups such as the United Liberation Front of Assam (ULFA) and the National Social Council of Nagalim (NSCN).¹⁹ It suffered some set-backs when its leadership was decimated during counter-insurgency operations in the 1990s. In the late 1990s, it reappeared as the United People's Democratic Solidarity (UPDS) – an armed militia fighting for the rights of the indigenous *Karbi* people – and articulated the right of the indigenous people of Karbi Anglong and North Cachar Hills to armed resistance. The militia reflected the disillusionment among a growing section of the indigenous population that saw the constitutional path as a cunning way to rob them of their natural resources and their right to peoplehood. Hence, one sees a split in the movement for autonomy along the lines of the tactics employed by the actors. Both the militant (armed) and the constitutional (unarmed) factions articulate similar goals from different vantage points. For the former, loss of land and the need for restitution of traditional authority are interlinked; for the latter, i.e. the constitutionalists, there is an ambiguity as to the extent to which traditional authority can be trusted to make radical changes. They see the law and the constitution as the motors of change and development.

The constitutionalists' conception of what makes up the common territory of the indigenous people is, however, not very different from that held by the militant faction, inasmuch as their concept of ethnic territory is based on the

Indian Constitution.²⁰ In September 2005, following the mysterious death of three *Dimasa* youth near a *Karbi* village in Karbi Anglong district, these two communities became locked in a violent confrontation that lasted for several months and saw more than forty thousand people displaced and hundreds lose their lives. The conflict arrayed ethnic militias from each community against one another. Commentators attributed the blame for the conflict to electoral politics²¹ and ethnic competition between the *Karbi* and *Dimasa*, both of them indigenous to the region.²² What is not expressed in popular accounts of the causes of the conflict is the localised nature of what caused relations between these two communities to deteriorate.

Local residents of a cluster of villages called Hanlokrok, where people of different ethnic communities resided in relative harmony, give a more detailed description of how and why things began to turn sour, though they are just as bewildered about the responses of the state and of the ethnic militias. Recounting how the different communities had established a viable village on so-called forest land, H. Bathari (name changed on request), a *Dimasa* elder now living in a refugee camp, mentioned how “feelings of loss were stronger than those of betrayal”.²³ Older people such as he himself had not found it difficult to negotiate with the traditional *Karbi* elders and village headmen on the subject of sequestering land from the forests for cultivation. Yet, over the years, as more and more people take possession of cultivable land through such negotiation processes, the political atmosphere becomes poisoned to the point that ethnic confrontations become inevitable. Such confrontations acquire a very personal tone when members of dominant ethnic groups in a village (such as the *Karbi*) express their inability to prevent attacks on other minority groups.²⁴ When minority groups flee the area, their groves are cut down and sold, their livestock seized and their granaries burnt down. It is worth noting that this cannot be considered to be a normal case of arson and looting because the personal belongings of those who have fled are destroyed, not stolen. Only bamboo groves and trees in the yards are cut down and it is not immediately obvious what happens to the timber/bamboo.²⁵ The recurrent use of force by proxy forces claiming to represent one of the indigenous communities is a significant factor in the continuing multiple claims over resources.

6.6 Explanations

Following the 2005/2006 clashes in Karbi Anglong, there were two distinct points of conflict that dominated the discussions as the conflict was abating. The first was related to the political machinations and failures of the Autonomous Council, and the second was linked to the inadequacy of representation within the existing Autonomous Councils.

With regard to the first, the general discussions blamed the state government for not having controlled the situation and also held parliamentary political parties responsible for having tipped the delicate balance of power within the power structures of the region.²⁶ Among the charges traded on these grounds, members of one ethnic group demanded that the other's militia be reined in and that a camp belonging to the *Dimasa* militia be moved out of a certain area of Karbi Anglong. Interestingly, this area (along the forested banks of the river Dhunseri) is also inhabited by large numbers of people from the *Dimasa* community, who, although they are a constitutional minority in Karbi Anglong, are the dominant group in neighbouring North Cachar Hills. Another, more pressing issue concerned the lack of representation at the decision-making level of the Autonomous Council. Ethnic minority groups, including those recognised as indigenous to the district, complained of not being adequately represented on the Council. The accusation voiced by radical members of *Karbi* civil society, aims at the very opposite, inasmuch as they perceive there to be a loss of the vital resources that constitute part of their homeland.

One sees a parallel growth in *Karbi* resentment against state authority and against the development of capitalist modes of agriculture, economic deprivation and socio-political seclusion, as well as regarding their arrested development. This calls into question the very essence of legal provisions such as the Sixth Schedule, which are seen by a section of the *Karbi* – in this case the radical armed militia and their supporters – as governmental tools rather than concrete attempts to develop structures of self-governance for indigenous people (Samaddar 2004).

Though widely accepted as a standard that recognises the difference between indigenous people in the North-East and in the rest of India, the Sixth Schedule has implicitly promoted competition between ethnic groups. Its provisions regarding land allocation and the role of the Autonomous Council in administering the district are managerial and do not allow indigenous com-

munities to use more than a fraction of the total land. In addition, its rules of ownership have often given the impression that districts have abundant land upon which experiments in agrarian reconstruction may be carried out. In the last three decades, the Government of India has sequestered swidden lands in order to carry out ambitious projects to grow cash crops and change land ownership patterns, leading to massive dispossession of community lands (Das 2001).²⁷ This discrepancy between formal rules and informal occurrences, along with the tension created by romanticising communitarian tribal land ownership while extending the logic of private property, contributes to the possibility of violent retribution by those who see themselves as the victims of policies that do not engage with local history. In 2003, a publication from the United People's Democratic Solidarity, partly addressed to its cadre and partly to state authorities, read:

(...) [therefore] our substantive demands are: 1). Full restoration of land rights to the tribal traditional authority – namely the sarthe,²⁸ 2). Full political security to the indigenous tribes and complete disfranchisement of non-tribal infiltrators who have settled within the territory after 1951,²⁹ 3). Complete control over law, order and justice, 4). Complete control over natural and human resources of the territory and 5). Complete authority over all financial and developmental matters [and] direct access to the financial and economic authorities of India.³⁰

These demands are anchored in the progressive discourse of indigenous rights and are well within the juridical limits of the constitution. They are, to quote Muehlebach, an inchoate attempt to “give voice to local injustice in a universal language and to make claims to difference via rights that apply universally to all people” (Muehlebach 2003, p 43). The demands, however, also exclude people from a pristine homeland, or *Hemprek*.

Today, after several rounds of ethnic clashes and military operations which have affected many people, the demand for an autonomous state has run into calmer waters. Recurrent splits within the movement for an autonomous state, followed by fissures within the armed movement, have begun to weaken the ability of indigenous groups to articulate their grievances in a sustained manner. Under these circumstances, *Hemprek* remains a rallying point for ethnic militias, radical students and cultural leaders. Its appeal to *Karbi* political ideals underscores its ability to create divisive and often competing visions for other indigenous communities that share the same space

as the *Karbi*. The call for a homeland is located in political practice, inas-much as it is a response to perceived disempowerment. Yet, in the absence of a coherent administrative strategy to address migration-induced ethnic conflicts, political insecurities of relatively small indigenous groups lead them to create their own strategies to avoid assimilation and loss of economic and political resources. Over time, radical ethnic mobilisation to protect the interests of smaller groups within a nation also has tragic ramifications. In recent times, *Karbi* militias have targeted other minority indigenous groups that they perceive to be living within their ethnic homeland.

It is in this context that a fundamental reordering of political and social spaces is taking place. The frequent recourse to inter-ethnic conflicts is not only an indictment of the political leadership among the different ethnic groups but, more crucially, it shows how brittle the constitutional framework can be in multi-ethnic, underdeveloped and militarised societies. One begins to realise that the constitutional rigidities of the Sixth Schedule do not allow for processes of negotiation and dialogue – processes of enacting politics daily and at mundane levels – but instead promote the imposition of political ideas.

6.7 Conclusion

The multiple land-use and land ownership regime in Karbi Anglong could be an interesting example of legal pluralism. While the formal structures of power in this autonomous district do suggest some forms of devolution and decentralised power, this leaves a lot unsaid. There are no clear guarantees in terms of control over resources laid out at the three levels of ownership (namely state, autonomous council and community). For instance, marginal farmers encroach on forests managed by the state. Such farmers rid themselves of the vulnerability that comes with being encroachers by courting members of the Autonomous Council and the village headmen. Council land is often made available to members of a community for subsistence farming. Although this is a frequent strategy, its actual implementation can create problems. In the recent past, ethnic conflicts have occurred when Autonomous Councils allowed members of one ethnic group to settle in particular areas. Violence has also occurred when the administration followed a policy of addressing identity-based conflicts in isolation from ethnic relations. Since land is so centrally linked to ethnic identity, the administration's policy of containment (of resource-based conflicts) conceals the process by which land is passed on from one party to another.

Under current policy, it is clear that measures such as establishing autonomous districts (under the Sixth Schedule) are initiated on the basis of a political disadvantage, insofar as indigenous people have no real, tangible tools of exercising autonomous agency. In Karbi Anglong, there is a belief that democratic progress can only be achieved if it is linked to economic progress and rationality and the acceptance of existing institutions of autonomy (Athparia 1998, pp 209–214). As I have outlined in the discussion of traditional institutions and the reconstitution of ideas of a homeland (*Hemprek*), there are a whole host of legal, political and cultural contexts that are incompatible with doctrines based on one functional element of autonomy – the autonomous district with Sixth Schedule status.

On the side of the state, while there is a commitment to assessing the effectiveness of the Sixth Schedule and the working of the existing Autonomous District Councils, it would be prudent to include a theory of ‘corporate autonomy’ for different indigenous groups within Karbi Anglong. In principle, this would enforce discussion of power-sharing arrangements among native/indigenous groups and devolve greater powers to the Autonomous Council. Such assessment would also have to take into consideration the importance of carrying out cadastral surveys, given the context of conflicts about land alienation and land in the autonomous district (Bhattacharyya 1995, p 37). Since territory is one of the necessary conditions of the nation-state, it follows that processes of homogenisation and of structuring ethnic, cultural and regional groupings are far more complex in geopolitical frontier regions (Chaturvedi 2005, p 5).

In North-East India, constitutional engineering has not produced the ideal, homogenous nation-state precisely because it remains an ethnically diverse borderland which belies the ethnic, racial and cultural homogeneity that is sought by many modern post-colonial nation-states (Wilson and Donnan 1998, pp 9–10). Recent assertions of a Hindu-nationalist discourse and politics in India further reinforce the policy preferences that lead to this sort of homogenisation (Chandhoke 2004, p 513). The need for alternative policies is therefore urgent and overdue.

It is difficult to prescribe measures at a time when these plural land ownership regimes have become a site of conflict between forces that seek to transform this plurality into a recognisable, rationalised system of ownership, generally by encouraging private ownership. While there is a distinct possibility that this may be the path towards future land ownership patterns,

there is enough evidence of problems that this may cause to urge caution. It is only with a growing diversification of livelihoods and a reassessment of the effectiveness of the Sixth Schedule (in its avowed objective of protecting the land and culture of indigenous people) that one can see the possibility of a resolution of conflicts brought about through disputes over land and political power.

Endnotes

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² The treaty of Yandabu was preceded by internecine wars among the Ahom nobility, who ruled large tracts of the Brahmaputra valley. The Burmese were drawn into the wars and caused great depredations in the region, even attacking British outposts in Bengal. Following the treaty, the British rapidly claimed vast tracts of forest and arable land for their tea plantations. Many argue that 1826 allowed the British a toehold in the region from where they were able to encourage investment (for tea) and migration (for revenue) (Guha 1977).

³ India's federal system comprises twenty-eight states and seven union territories. This federal system's transition from being part of an empire to the nation-state of India is quite well covered by Graham Chapman (2000).

⁴ According to D. Thaosen, a *Dimas* political leader, there are a number of reasons why statehood was not attained by the *Karbi* and *Dimas* political elite in the two districts. First, the local elite were not politically and socially powerful enough to form a separate state, whose resources would have been meagre. Second, they feared being dominated by other, more advanced tribes like the *Khasi* (who form the majority in the state of Meghalaya). Third, they saw autonomy within Assam as a better option for managing their resources (personal communication with author, 20 December 2004: Guwahati).

⁵ Interview with Holiram Terang (11 November 2004: Darjeeling).

⁶ Some would argue that this idea of a pristine homeland is actually encouraged by the current constitutional provisions (Baruah 2005), where ethnic politics and groups have to address the issue of majority and minority within territorial limits, resulting in violent confrontation.

⁷ The notion of peoplehood runs contrary to the idea of modern citizenship. The latter is based on shared ideals and beliefs of collectives that are members of a state and its institutions. Peoplehood is a concept that has been used to define other, smaller collectives that feel that their participation in state-building projects and institutions is limited because they are politically, culturally and geographically marginalised from the mainstream national communities and institutions and therefore assert their identities in opposition to those of citizens (Murray 1997).

⁸ This view is often reinforced by the support that settlers receive in areas where potential and real ethnic conflicts are common occurrences. For many indigenous rights activists in the North-East, the Sixth Schedule seems like a 'Trojan Horse' for greater centralisation that might allow the state to settle lands (belonging to indigenous persons) with ethnically acceptable groups (NPMHR et al 2002).

- ⁹ According to statistics from the Assam government's Chief Conservator of Forests, the total reserve forest area in Karbi Anglong for 1998–1999 was 195,712 hectares. For more details, see Report of the Chief Conservator of Forests, in Report to Planning Commission: http://www.planningcommission.nic.in/plans/stateplan/sdr_assam/sdr_assch7.doc; accessed on 10 May 2005.
- ¹⁰ For details of the text of the Sixth Schedule of the Indian Constitution, see: <http://www.helplineindia.com/bareact/bact.php?no=schl6&dsp=constitution&PHPSESSID=f39deb47e3216bf3b366a35193eeaa09>; accessed on 11 February 2005.
- ¹¹ Source: <http://karbianglong.nic.in/at%20a%20glance.html>; accessed on 11 February 2005.
- ¹² Interview with Elwin Teron, Autonomous District Council leader (16 April 2004: Diphu). Teron claims that the decadal growth has been as much as 60% since 1991.
- ¹³ Cf. Assam Government Online Portal: <http://www.assamgov.org/information/population.html>; accessed on 17 May 2005.
- ¹⁴ Herein lies another caveat that led to the tragic conflict between *Kuki* settlers and *Karbi* people in 2003–2004. Most of the *Kuki* settlers claimed that they were indeed from North Cachar Hills, where they are a scheduled tribe, and thereby claimed legal status for their settlements and, by the same token, political rights with the Autonomous Council.
- ¹⁵ A seemingly arbitrary cut-off date, its only political significance being that it is celebrated as 'Independence day' in India.
- ¹⁶ *Bigha* is a unit of measurement of land in some parts of India. 3 *bighas* is equivalent to 1 acre.
- ¹⁷ The Congress is one of the largest national parties in India. It is associated not just with the freedom struggle against the colonial British Empire, but also with the notion of one centralised polity. In many parts of India, regional parties have emerged to reflect concerns that are not national, but more regional. These parties often find themselves pitted politically against the Congress with its centrist politics.
- ¹⁸ Article 244(A) recognises that some states can be created by upgrading existing autonomous districts and councils.
- ¹⁹ See http://www.satp.org/satporgtp/countries/india/states/assam/terrorist_outfits/Upds.htm; accessed on 10 October 2004.
- ²⁰ Therefore, for *Karbi* radical armed groups, advocating the idea of a homeland would not only invoke the old indigenous traditions, but would also seek to map these traditions over a territory demarcated by modern governments. This would seem to be an instrumentalist process where indigenous politics overlap with territorial politics.
- ²¹ Cf. Sarat Sarma, "More violence in Karbi Anglong" in *The Telegraph*, 15 October 2005.
- ²² For more details see the Norwegian Refugee Council's website on internal displacement: [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/01BF67E6077E19DBC1257109002AFB55?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/01BF67E6077E19DBC1257109002AFB55?OpenDocument); accessed on 17 March 2006.
- ²³ Personal interview, 16 January 2006 (Hojai, Nagaon).
- ²⁴ This happened in Hanlokrok in November 2005. The clashes between the *Dimasa* and *Karbi* armed militias had been going on for at least two months. The *Karbi* village elders and the representative elected to the District Council assured the nineteen *Dimasa* households that they would be protected. However, in the face of attacks on *Karbi* villagers by *Dimasa* militia, the *Karbi* of Hanlokrok asked their neighbours to flee because they would not be able to protect them (as narrated by *Dimasa* persons displaced from the village in a personal interview at Hojai, Nagaon on 16 January 2006).
- ²⁵ There is another reason to insist that this is different from robbery, which would be a regular police matter, namely visual evidence. It is evident from all the photographs and video recordings of the aftermath of clashes and the flight of one section of the village that personal items such as cooking gas, ovens, televisions, refrigerators, etc. were not taken away, but instead burnt and destroyed. Only absence – if one can call it that – is to be seen in the gaping spaces where small personal groves (of bamboo and other trees) were once located.

²⁶ Here I draw on the discussions of a broadly representative group of political and civil society actors in Assam that was telecast on 17 December 2005 at 21.00 hours on North East Television. The programme had invited *Karbi* and *Dimasa* politicians, members of the *Dimasa* armed militia, human rights activists and other representatives of so-called civil society, including writers and public intellectuals. There were no women among the panelists, nor in the audience.

²⁷ Such bold experiments would not be attempted in districts where private land ownership is the norm.

²⁸ Traditionally *sarthes* are tribal elders of a *Karbi* village. They used to be the most respected persons in the villages and could adjudicate on any matters except murders.

²⁹ 1951 was the year in which the region was declared an autonomous district under the Sixth Schedule of the Indian Constitution.

³⁰ Excerpt taken from UPDS (2003).

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7 **Resource Governance and Livelihood Concerns: Park–People Conflict in the Eastern Terai of Nepal**

Bishnu Raj Upreti¹

Abstract

Nepal is known as one of the world's most conservation-friendly countries, with more than 18% of its total area as protected areas. However, because of the top-down, bureaucratically oriented, exclusionary governance systems practised in the protected areas, there is tension between park authorities and local people that ultimately causes livelihood insecurities. Most of the sufferers from the poor conservation governing systems in Nepal are poor, marginalised and indigenous people. As indigenous people are the victims of protected area management systems, an intense debate on the property rights and prior rights of indigenous people has emerged. To shed light on this debate, the author has employed the conceptual framework of legal pluralism, thereby providing better understanding of the conflict between the customary rights exercised by the indigenous communities and the formal legal arrangements of the state. The study presented in this paper was conducted in the Koshi Tappu Wildlife Reserve in Eastern Nepal. The study reveals that the main cause of the conflict between park authorities and local people was the National Park and Wildlife Conservation Act of 1973, which makes provisions such as prohibition of access for domestic animals and birds for drinking water and grazing, in areas used by local people for these very purposes. Realising the complexity of the conflict, the government of Nepal initiated a participatory conservation project (called Park–People Programme). However, this participatory approach is not able to provide benefits to the poor and marginal sections of society mainly because the participatory process as well as outcome of the participatory approach was captured by the powerful elites.

Keywords: Conflict; conservation; governance; legal pluralism; livelihood security; resources; social exclusion.

7.1 Introduction

For a long period of time, Nepal practised a top-down, technocratic, linear approach in nature conservation and development. Since the advent of democracy in Nepal in 1990,² the government has theoretically recognised the great weaknesses of this approach in terms of corruption, exclusion, marginalisation of poor and indigenous people, and lack of accountability (Pradhan et al 1997; Upreti 2001). Therefore, the government undertook to change existing top-down, technocratic and legal-centric governing practices. The present article focuses on both discourse and practice relating to these changes, taking nature conservation as a case study.

At present, nine national parks, three wildlife reserves, three conservation areas, one hunting reserve and seven buffer zones are operational, covering more than 18% of Nepal's total area. Initially, these protected areas were designated for conservation and management of fauna and flora and their habitats by applying the early regulatory framework of the National Park and Wildlife Conservation Act of 1973. However, this framework (and the conservation strategy it represents) has been widely criticised in Nepal. Mehta and Kellert (1998) and Ghimire (1994) argued that establishing a Western model of protected areas is usually intended to restrict access to traditionally used resources and minimise depredation of crops and livestock by wild animals, displacing people from their traditional lands and consequently threatening the livelihoods of local people. The establishment of national parks and wildlife reserves and their control by the military in Nepal is a clear indication of restricting access to transiently accessed resources (Low and Heinen 1993). Similarly, Belbase and Thapa (2004) found that customary laws, practices and usage by local people have been violated and/or prohibited in almost all the wildlife reserves designated by the government. Likewise, frequent severe complaints from the people living in areas adjoining parks and wildlife reserves, as well as media reports have drawn the attention of political parties, civil society organisations, human rights activists, indigenous people's leaders, and researchers.

Partly as an outcome of these concerns, the state began to implement a 'Participatory Conservation Programme'. Indigenous people living around parks, though, are demanding much more far-reaching resource rights.³ Thus, today's situation is often characterised by serious tensions between indigenous people and park authorities.

The aim of this article is to analyse these tensions by exploring the dynamics of resource governance and its impacts on the livelihoods of socially excluded communities. It addresses the following questions:

- Does the protected area conservation programme lead to sustainable livelihoods for poor and socially excluded people?
- Does its framework acknowledge the existence of multiple legal arrangements and the traditional or customary rights of indigenous people?

Based on a case study of the Koshi Tappu Wildlife Reserve in the Eastern Terai of Nepal, this paper highlights the contradictions and conflicts in governance of natural resources and the impacts of this governance on the basic livelihoods of indigenous and poor people.⁴

7.2 Conceptual approach

The main analytical concepts used in this paper are social exclusion, livelihoods, resource governance, indigenous community and legal pluralism.

Social exclusion, for the purpose of this paper, covers the systems, mechanisms, processes, attitudes and practices of state and non-state actors that exclude individuals, groups or communities from decision-making, the basic means of earning a livelihood, social security and the freedom that individuals need in a given social setting to organise and take control of their lives (Nayak 1998; Byrne 1999).

Livelihood is the ability of people to access and use economic, social and legal resources that provide a decent means of living and also ensure their capability to cope with and recover from stress (Chambers and Conway 1992). Hence, livelihood is basically a means of providing human security for individuals and families. *Livelihood security* in this study goes beyond the notion of ‘assets’ in the mainstream livelihood approach, referring to the overall security of socially excluded communities, which encompasses the combination of social, economic, environmental, physical and psychological securities (Matthew 2005; Matthew and Upreti 2005).

Resource governance is a combination of mechanisms, processes and institutions through which people articulate their interests, exercise their legal rights and obligations, and negotiate differences in managing available

resources (Upreti 2004c). If it is participatory, transparent, accountable, effective and equitable and promotes the rule of law, then it is said to be good governance. Governance includes not only the state but also the private sector and civil society in the governing of resources.

Indigenous people are native to the area and have unique languages, knowledge systems and beliefs, and possess knowledge and practices relating to the management of natural resources. Indigenous people manage their local resources with specific indigenous or customary arrangements. *Kipat* (the management of land) of the Limbu ethnic community, *Bheja* (a multi-purpose voluntary welfare organisation created by its members) of the Magar community, *Rodhi* (a type of informal entertainment club) and *Gola* (a voluntary social organisation active in the Western Hills of Nepal) of the Gurung community, *Guthi* (a voluntary multi-purpose social organisation) of the Newar community, *Parma* (a labour exchange arrangement) of the Limbu community, *Khyal* (a voluntary social organisation active in Mid-west Nepal and engaging in multi-purpose activities) are some examples of customary arrangements which are severely disturbed at present (Bhattachan 2007). Stevens (1993) and Brower (1991) have also extensively documented the indigenous practices of the Sherpa community in the Khumbu mountains of Nepal.

This paper specifically uses the concept of *legal pluralism* to answer the research questions posed. Legal pluralism recognises the existence of different types of laws such as state law, folk law, customary law, indigenous law, religious law, etc. (Benda-Beckmann et al 1997). In reality, several legal systems often co-exist to deal with the same set of activities (Benda-Beckmann 1999). Benda-Beckmann et al (1997) argue that legal pluralism means that in many life situations different people can make use of more than one normative repertoire to rationalise and legitimise their actions. Thus, legal pluralism is a conceptual framework that explains diversities and differences in resource-governing practices (Benda-Beckmann et al 1997). In addition to the legal provisions of government, multiple legal systems operate in society – often contradicting one another. Moreover, government regulations or local customs determine rights over natural resources in principle, but actual practice may be different from these prescriptions (Benda-Beckmann et al 1997). Therefore, manipulation, trade-offs and compromises are common in dealing with livelihood options and resource governance practices (Pradhan et al 2000; Upreti 2001).

Basically conflicts over natural resources are about access and control. Access and control are greatly influenced by property relations. *Property rights* are therefore a central issue in understanding livelihoods of indigenous communities, among poor people, and their conflicts over nature conservation. Property can be considered as the rights and obligations of individuals or groups to use the given resource base. Property rights are complex because resource tenure often involves bundles of rights, including users' rights, rights to exclude others, rights to manage and rights to sell (Schlager and Ostrom 1992). Theoretically, people can acquire rights over natural resources either using their historical association or citing riparian rights, or interpreting existing laws in their favour (Pradhan et al 1997). As Benda-Beckmann (1999) points out:

Natural resource property rights serve to legitimate control over the means of production, whether production is for market or for subsistence. They can be an important material basis for the social continuity of groups. They usually have political functions for states and non-state social organisation, and tend to be a source of individual power and prestige. Natural resource property often also has considerable cultural religious meaning (...). Given this political, economic and ideological importance, legal property regulations and rights therefore constitute a crucial social resource in people's strategies, negotiations and struggle over natural resources.

Property rights are closely embedded in the historical social context and their meaning can vary from community to community and according to the cultural context (McCay and Acheson 1987; Benda-Beckmann 1999). If the traditional property right arrangement for using natural resources such as forests or land is altered, conflict is often inevitable.

7.3 The study area

The study area includes the Koshi Tappu⁵ Wildlife Reserve (KTWR)⁶ and the surrounding 16 Village Development Committees (VDCs),⁷ with a population of 105,706 and 18,093 families (DNPWC 2001). Average family size is 5.84 persons per household and population density ranges from 313 to 998 people per square kilometre.

In the 16 Village Development Committees surrounding the Reserve, 10,693 households and 77,950 people were counted. Out of these, a population of 27,756 live in the Park–People Programme (PPP) buffer zone (details see below), as this buffer zone covers parts of the VDCs only. The consultations for the present study were made with a selection of people directly engaged in the buffer zone groups.

Research was conducted by using different methods such as focus group discussions, key informant interviews, semi-structured interviews, questionnaire surveys and transect visits. In addition, researchers attended a series of meetings organised by local people and the KTWR authority. The main categories of people contacted as key informants during the study were social leaders, local representatives of political parties, community leaders from ethnic movements, local farmers, rangers, wardens and security forces in the Reserve, senior politicians, representatives of the Department of National Parks and Wildlife Conservation, representatives of donors such as UNDP (United Nations Development Programme) and the Participatory Conservation Programme, and local implementing agencies.

The study area is one of the major settlement areas for people dependent on wetlands (IUCN–Nepal 1998, 2003),⁸ who mainly include indigenous communities and socially excluded people, especially Sunaha, Satar,⁹ Khanwas, Mallaha, Bote, Mushahar,¹⁰ Bantar, Gongi, Mukhiya,¹¹ Dushad, Sahani,

Table 1

Ethnicity and caste ¹⁴ distribution by household in the study area.	Caste/Ethnic Group	Households	%
	Brahmin/Chhetri/Thakuri (Group A)	1123	10.50
	Damai/Kami/Sarki (Group B)	186	1.74
	Newar/Gurung/Magar/Tamang/Rai/Limbu (Group C)	635	5.94
	Majhi/Mallaha/Mali/Kumale (Group D)	518	4.84
	Muslim/Miyan (Group E)	1286	12.03
	Tharu/Chaudhary (Group F)	1361	12.73
	Yadhav/Rajput/Singh/Teli/Sikh/Kayastha (Group G)	3303	30.89
	Jha/Mishra/Thakur/Sharma (Group H)	103	0.96
	Dum/Sudi/Chamar (Group I)	430	4.02
	Jhangad/Mushar/Bantar (Satar) (Group J)	1482	13.68
	Chy/Gaderi (Group K)	266	2.49
	Total	10,693	100.00

Source:
KTWR 2003.

Kewat, Danuwars, Darai, Kumal, Barhamus, Jhangar, Tharu,¹² Pode, Kushars and Majhi¹³ (Table 1). They all are either listed as indigenous nationalities or *Dalits* according to the categorisation made by the Nepal Federation of Indigenous Nationalities (NEFIN). Among them 39% of households are either landless or have less than 0.05 ha of land in the study area.

Indigenous communities constitute 29% of the total population of the study area (Sharma 2002). Most of the indigenous people are landless or do not enjoy secure land tenure. They are highly marginalised and represent the poorest section of the population in the study area (Sharma 2002; Christie 2003; IUCN–Nepal 2003).

7.4 A historical perspective on resource governance

This section offers a historical perspective on the evolution and expansion of livelihood insecurity among socially excluded people, in order to understand how it was created over time by state interventions in governing natural resources, and how people have struggled to gain recognition of their resource rights.

7.4.1 The situation before the creation of the Koshi Tappu Wildlife Reserve

Before the Wildlife Reserve was created in 1976, the demographic and socio-economic situation of the study area had been entirely different (Sharma 2002). The small number of indigenous people residing in clusters (or hamlets) had enough natural resources at their disposal. Generally, people from outside hesitated to go there for fear of malaria. The elderly respondents, recollecting on the basis of 60–70 years of memory, explained that in those days there had not been much competition, as there were plenty of natural resources for the few people residing in this area. In a key informant interview with the author, a 78-year-old man from the Tharu community said:

The problem actually began only after the large number of migrants started to come and it was further exacerbated by the government's decision to establish a wildlife reserve in Koshi Tappu. The flow of migrants was drastically increased after the opening of the East–West Highway. Within 25–30 years, the demography of Koshi Tappu changed entirely when large influxes of migrants

from the hill areas of Nepal and India arrived. Since then the population has increased and pressure on available natural resources has mounted and consequently created livelihood insecurity and conflict. [Translation by author.]

The respondents said that before the creation of the KTWR, farmers had been growing different varieties of rice and other crops, as they could kill wild animals if the animals damaged their crops. They were able to collect grasses, wood and timber required for domestic purposes and for making boats.

Local people and indigenous communities were, however, exploited to some extent by the Rana landlords, who claimed ownership of the land – although these landlords stayed in Kathmandu and were not able to regulate local natural resources or the behaviour of local people. Most of the fertile lands of the Rana elites were cultivated by local people for very low rent. Before the hill migrants and people from India came to the area, social relations and structures had been less complicated, less exploitative and more conventional.

Things started to change in the 1960s and 1970s when King Mahendra introduced a policy of promoting people from hill and mountain areas to settle in the Terai (plain) areas. The state granted concessions and special facilities to the hill and mountain migrants to cultivate the areas of the Terai plain. The study area is one of the places to which huge numbers of people migrated from hills and mountains, and most of them are now highly influential in the Terai areas.

The hill migrants first used some of the public land given to them by King Mahendra, and began to cultivate it. Gradually, though, they started to take over land from the indigenous people, thus becoming landlords. Through the accumulation of land, their social status and prestige grew, and within a few decades they became the new elite in the area. For a long time, the state did not recognise indigenous peoples as special groups of people. Only in 2001 did the government of Nepal recognise them by promulgating a special act (National Commission on Indigenous and Ethnic Communities Act, 2001).

The field study revealed that, as indigenous peoples have a self-image as being honest, straightforward and hard-working, they are manipulated by local elites who have mainly migrated to the area from outside. These elites mainly exploit the ignorance of local people about laws and regulations, and their lack of access to legal institutions due to lack of education, and lack of confidence.

Reviewing the existing laws and regulations related to conservation, Belbase and Thapa (2004) conclude that prior to the establishment of the KTWR and the inflow of migrants from different hill areas, local people living in the area had inalienable rights of access to the resources listed in Box 1.

Box 1: Use of natural resources by local people before the establishment of the Koshi Tappu Wildlife Reserve

- Forest for livestock grazing (grass for livestock and for sale, milk sales, cow dung for fuel and manure, etc.)
- Hunting of wild animals (for meat, hide, fur, bones, etc.)
- Collection of thatched grass (for roofing, cash from the sale of thatch)
- Collection of fuelwood (driftwood), fodder and timber (for domestic consumption and sale)
- Collection of *pater* (raw material for mat-weaving) (Batar and Tharu women weave mats for sale and own use)
- *Niguro, Sarhochi, Bathuwa* (different wild vegetables) (source of food and income for Batar, Tharu, Mushahar women and children)
- Fishing (the Godhi, Mushahar, Majhi, Mallaha depend on fishing for a livelihood, earning money by selling fish for a subsistence income)
- Collection of snails (source of food and income for Tharu and Mushahar women)

7.4.2 The creation of the Wildlife Reserve

State intervention in natural resources used by the community began with the promulgation of the National Park and Wildlife Conservation Act and the subsequent establishment of the first national parks in 1976. Since then the government has expanded the conservation areas by designating a number of national parks and wildlife reserves. The Koshi Tappu Wildlife Reserve was one such conservation initiative.

In the course of time, the government formulated and executed several conservation-related acts, rules and guidelines. Box 2 gives the major laws and regulations related to protected areas, most of which are administered in the KTWR. The main argument of the government for establishing the Wildlife Reserve was the conservation of key wildlife species (wild buffalo, dolphin, *gharial*, *nilgai*, etc.). Koshi Tappu was covered with dense riverine forest and tall grasses that harboured a wide range of wild animals such as Royal Bengal tigers (*Panthera tigris*), leopards (*Panthera pardus*), Asiatic wild elephants (*Elephas maximus*), wild buffalo (*Bubalus bubalis*), blue bulls (*Boselaphus tragocamelus*), dolphins (*Platinista gangetica*), swamp partridges (*Houbaropsis bengalensis*), etc.

Box 2: State laws and regulations related to protected areas

- Government Management of Conservation Areas Rules, 2000
- Buffer Zone Management Guidelines, 1999
- Conservation Areas Management Rules, 1996
- Buffer Zone Management Rules, 1996
- Himali National Parks Rules, 1980
- Wildlife Reserve Rules, 1977
- Royal Chitwan National Parks Rules, 1974
- National Parks and Wildlife Protection Rules, 1974
- National Park and Wildlife Conservation Act, 1973

When the KTWR was established, there were no big conservation organisations such as the International Union for Conservation of Nature (IUCN) or the World Wildlife Fund (WWF) present in Nepal; accordingly, site selection, management and all other aspects of the Wildlife Reserve were taken care of by the government, with the technical assistance of national and international experts. In later stages, however, while formulating the National Conservation Strategy, international conservation-related organisations such as IUCN began to play an important role.

The National Park and Wildlife Conservation Act of 1973 (NPWCA 1973) provided a mandate to prevent a potential environmental crisis caused by human activities. Protection was envisioned by the government through the practice of prohibition, control and regulation of access of indigenous peoples and local communities to existing natural resources (see Box 3). The basic assumption of the government is therefore that local people destroy important ecological functions.¹⁵

Box 3: Prohibited activities in the core areas of the KTWR according to Section 5 of the National Park and Wildlife Conservation Act

- Access for domestic animals or birds for drinking water or grazing,
- Poaching of wildlife,
- Construction or ownership of a house, hut, shelter or any other structure made of any materials,
- Occupation of any part of the land, uprooting of plants, cultivation or planting and cutting of the plantation,
- Chopping, lopping, dismantling and blocking of trees, plants and bushes; arson or causing loss of any kind to forest products,
- Mining, stone excavation, or extraction of mining resources, stones, boulders, soil or any other similar resources,
- Carrying or using arms, ammunition or poison.

Most of these prohibited activities concern customary practices of local people. Section 4 of the Act prohibits entry into the national parks and reserves without prior approval in writing from the competent authority. Similarly, the Act empowers the competent authority to inspect, search and arrest violators of the Act even without a warrant. The Act provides for a system of very stringent punishments for offenders, with fines of 50,000 to 1,000,000 Nepalese Rupees (equivalent to 715–14,285 USD) or 5–15 years of imprisonment or both for the gravest offences, and a fine of up to 10,000 rupees or up to 2 years' imprisonment or both for the least serious offences in killing, injuring and trading protected fauna.

The state is not a homogenous entity. Rather, it is composed of diverse interests, perspectives, procedures and actors. However, the state operates with certain rules and regulations which govern both framework and decision patterns. In the area of national parks and wildlife conservation, the legal governing framework is the National Park and Wildlife Conservation Act of 1973, which is of a controlling and top-down nature and has proved to be exclusionary in practice. The attitude and behaviour of the actors executing the rules – i.e. the park authorities – are strongly influenced by this Act, as it gives them enormous power so that they act in a rather autocratic manner. This Act is against the principle of decentralisation in the KTWR conservation area because it does not allow local people to exercise several local resource management practices. Further, this National Park and Wildlife Conservation Act prohibits customary activities such as restricted fishing, driftwood collection and harvesting of thatch grasses.

Though not directly connected with the KTWR, a controversial Koshi Barrage linked with powerful vested interests in India has further alienated indigenous peoples. This Barrage was built 6.5 km from the Reserve and the land between the Barrage and the Reserve was leased to India for 199 years. This arrangement has further limited access by poor and indigenous people to the land and land-based resources available there (Sah 1997; Sharma 2002).

Box 4: Public perceptions of the KTWR by local people

"Park authorities even prohibited cremation of a dead body in the river. We cannot oppose this because of fear of punishment from military personnel guarding the Reserve. Our animals were caught and we were punished while taking them for watering. Often they shot buffaloes owned by local people. This year (2003) they killed 2 buffaloes owned by Mr Gujai Khatwe (Kamalpur VDC, Ward No. 1), who was sustaining his family by selling milk. After this incident his life was ruined, as his wife has been mad since then."

Sita Ram Chaudhari (50), Odharah VDC, Ward No. 8.

"We are victims of the Reserve in three ways. First, as the result of misbehaviour by security forces. Second, crop loss, injuries and killing of human beings by wild animals. And third, denial of access to the natural resources that we have been using since time immemorial."

Bhanu Prasad Dulal (65), Odraha VDC, Ward No. 8, Mandir Tole.

"The Urau community was celebrating Gachhi Karma (worshipping branches of trees) in the forest areas of the KTWR. However, this was not allowed after the establishment of the KTWR, as the NPWCA prohibits people from entering the Park and Reserve areas. This has ruined the religious tradition of the Urau community."

Bes Lal Urau (50), West Kushaha VDC, Ward No. 8, Urau Tole.

"Majhi (fishermen) are prohibited from worshipping the Koshi river inside the Reserve area where they had worshipped since long before the KTWR was established. This prohibition violates the religious law of the fishermen's community, but nobody has heard our voices."

Kashi Lal Majhi (61), Madhuvan VDC, Ward No. 7, Sukrabare.

"If my husband is able to fish, we can eat in the evening. But if he fails to catch fish, we have to sleep without food. These days it is very hard to catch fish, as they move to the Reserve area, where fishing is prohibited. Often he returns without fish in a very frustrated mood. Sometimes the security forces even take fishes caught outside the Reserve. Recently, they took 23 kg of fish from Jangali Devi Mukhiya and punished her inhumanely. Such incidences are countless. Once we asked them why they punish innocent fishermen every time. I am not able to get work. Survival is our main challenge."

Parvati Devi Mukhiya, Haripur VDC, Ward No. 3, Malaha Tole.

7.4.3 State decentralisation and the participatory conservation approach¹⁶

After the restoration of democracy in 1990, debates on participatory development, inclusion, equity, empowerment and gender took place. The government had started to formulate participatory development policies and plans with the help of different donors such as the United Nations Development Programme (UNDP), the Danish International Development Agency (DANIDA), the UK Department for International Development (DFID), the Swiss Agency for Development and Cooperation (SDC), etc. As a consequence, some special projects on people's participation were implemented with the financial and technical support of different donors in different sectors (environment and conservation, natural resource management and hydropower development, biogas promotion, community forestry, community development, etc.).

In the field of nature conservation, the *Park–People Programme* (PPP, changed to Participatory Conservation Programme, PCP, in 2002) was one such sectoral project supported by UNDP to mitigate the negative effects of top-down conservation programmes and to improve the socio-economic conditions of poor and marginalised people living on the periphery of the parks and wildlife reserves.

The emergence in Nepal of a decentralised resource management approach using buffer zones was basically a response to park–people conflicts (Mehta and Kellert 1998). Such community-based decentralised buffer zone management theoretically seeks active participation by local communities in conservation and offers to accommodate the needs of local people around the parks and wildlife reserves in order to minimise conflicts (Mehta and Kellert 1998). The Buffer Zone Development Programme is implemented according to the fourth amendment (1992) of the National Park and Wildlife Conservation Act (NPWCA) of 1973, the Buffer Zone Management Rules of 1996, and the Buffer Zone Management Guidelines of 1999. Three conservation areas¹⁷ have been established as models in addition to the national buffer zone programme in order to minimise conflicts.

The participatory paradigm has also been extended to the KTWR because the PPP was implemented in the KTWR. As a first step in this participatory measure, the Department of National Parks and Wildlife Conservation (DNPWC), with the joint support of the Woodlands Mountain Institute and

IUCN–Nepal, started to prepare a biodiversity database of the KTWR and its adjacent areas in 1994.

This Reserve has also developed the Koshi Tappu Wildlife Management Strategy with the support of the PPP and IUCN to mitigate conflict between the Reserve authority and the local people. The Reserve authority anticipates that many pertinent issues raised by poor people and the indigenous community will be addressed by this strategy. The KTWR Management Strategy Framework acknowledges that management efforts in the beginning focused on protecting wildlife species and on imposing restrictions on access by local people to natural resources in and around the Reserve areas. This approach exacerbated the conflict between the Reserve authority and the people living in the adjoining villages. It was realised that protected area management in isolation does not contribute to successful conservation (DNPWC/PPP 1999).

The UNDP-funded Park–People Programme (changed to Participatory Conservation Programme, PCP, in 2002) was implemented in the Koshi Tappu Wildlife Reserve to address park–people conflicts. The aim of the project is to conserve biodiversity in and around the targeted parks and reserves and improve the socio-economic conditions of people living in the respective buffer zones (DNPWC 2002a). In doing so, the project attempts to reduce the heavy dependency of communities on the resources of the parks/reserves by providing alternative livelihoods (DNPWC/PPP 1999). The expectation is that implementation of this project will not only support sustainable biodiversity conservation but also improve park–people relations. In this endeavour, the project uses community-based organisation as a means of collaborative conservation. Promotion of alternative resources is one of the main focuses of the project to provide alternative livelihood options. This project is engaged in policy support, community mobilisation, institutional strengthening, conservation awareness, park management, and demonstration of positive impacts.

In the KTWR, the PCP covers 16 VDCs, 108 wards, 267 settlements, 10,693 households and 77,950 people. So far, 434 user groups (210 men’s groups, 212 women’s groups and 12 mixed user groups) have been formed. A total of 12,888 group members (6355 men and 6533 women) are participating in group activities such as income generation training, biodiversity conservation, conservation education, and alternative energy development (UNDP/DNPWC 2002).

It is important to examine the effects of PPP (PCP) policy on local organisation. The field study reveals that despite the stated emphasis of the PPP (PCP) to promote participatory and decentralised conservation by involving local people, the results so far have not been encouraging particularly because the local elites and landlords gained much benefit at the cost of the poor from the resources provided and the participatory processes facilitated by the PPP (PCP).

7.5 Discussing realities on the ground

The following paragraphs analyse the consequences of the establishment of the Reserve and discuss the situation after the introduction of the participatory or decentralised conservation approach. First, some of the underlying causes of the persistence of conflicts, as identified by our research, are addressed. This is followed by an analysis of the performance of contemporary participatory procedures.

7.5.1 Underlying causes

The Reserve authority argues that the basic reason for the persistence of conflicts in the study area is the high dependency of people on the resources in the Koshi Tappu Wildlife Reserve (UNDP/DNPWC 2002). However, local people consulted during the focus group discussions took exception to these arguments and reiterated that denial of access, arbitrary use of authority and abuse of power are the main causes of conflict.

In an effort to substantiate these very contradictory statements, our research helped to show that the conflict is composed of a bundle of elements. Most are linked to the use of natural resources. Section 5 of the NPWCA, which is still highly influential, prohibits cutting, burning or damaging any tree, bush or other forest product within a national park, protected area or reserve. The law does not acknowledge local people's user rights, which they had enjoyed prior to the establishment of the KTWR. Collecting grasses, firewood and driftwood as well as fishing, hunting and gathering formed the basis of livelihood for the poorest people and indigenous communities. But constraints, restrictions and scarcity of access to these resources have aggravated livelihood insecurity and increased conflict associated with insecurity in the study area. The KTWR consists of the floodplain of the Koshi river, grassy

marshes, oxbow lakes and swamp forests upon which local people base their livelihoods. They have used these wetland resources to irrigate their farms and for fishing, grazing and fodder, for transport, harvesting plants and religious ceremonies since ancestral times. However, the law now either denies or severely restricts access by local people to natural resources in the KTWR. This is not a unique case of marginalised ethnic communities in the KTWR area: the situation of the Tharu community in the Chitwan district is not much different in terms of access to resources (Müller-Böker 1999). Let us briefly look at some of the resources and related issues in detail:

Collecting forest products: After the KTWR had been established, local people faced shortages of grass and firewood, a lack of grazing land, and shortages of forest-based products. They often used natural resources from nearby forests and the KTWR to meet their daily needs. Once every year, the KTWR administration authorises local people to collect specified natural resources from within the Reserve for a period of one week, under the provision of the *Purji* (a certificate of collection for defined resources obtained by paying an entry fee). But the limited resources collected during this one-off event are not enough to meet local people's annual need for natural resources. Hence, poor people illegally collect resources from the Reserve. Illegal collection of resources from the KTWR has become a persistent source of conflict between local people and the KTWR authorities.¹⁸ Collecting grass is another source of livelihood for poor people and indigenous communities. An earlier study (Sharma 2002) showed that more than 90% of the people on the northern side of the Reserve and 65–95% of all the people around the KTWR depend upon the Reserve for fodder and grasses. In the case of thatch grass for roofing, 90% of the people depend on the Reserve.

Protection from wild animals: Due to the indirect effects of the KTWR, indigenous rice cultivars are disappearing because farmers have to grow uniform (the same) varieties in order to harvest at a time that reduces the chances of damage by wild animals. Local people frequently complained that their crops are not safe from wild animals. Crop damage by wild buffalo and other animals ranges from 25–40% outside the park area if crops are guarded and can reach up to 100% if they are not guarded. The extent of damage is 41% on farms up to 1 km from the park boundary, 32% on farms at a distance of 1–2.5 km, and 27% when farms are more than 2.5 km away. Furthermore, wild animals attack¹⁹ and kill²⁰ human beings. However, local people are not allowed to kill these animals. Previously they could take action against wild animals that damaged crops but now park authorities

punish people who take action against wild animals. If domestic animals enter the Reserve area, however, they are killed. As the respondents in the focus group discussion said: *“Our lives are less valuable to the government than the lives of wild animals.”*

Unequal access to land: The respondents stated that there is a severe food deficiency situation. About 58% of the people earn wages as a coping strategy and another 19% are engaged in sharecropping. However, large-scale farmers have more resources for commercial purposes. For example, about 50 big households own more than 12,000 cattle and buffalo in the study area (Sah 1997; Sharma 2002). Livestock rearing by large-scale farmers largely depends on Koshi floodplain grasslands and competition with the poorest people trying to earn a livelihood.

Table 2

Amount of land owned	Households (%)	Land ownership structure in the study area by household size.
Less than 0.05 ha	39	
0.05–1.0 ha	31	
1.0–3.0 ha	20	
More than 3.0 ha	10	Source: DNPWC 2001, 2002b.

Table 2 shows that 39% of the households in the study area are landless or own less than 0.05 ha of land. Only 10% of all households own more than 3 ha of land. The large-scale farmers mainly belong to the elite, being powerful landlords protected by the state. This type of skewed land ownership is a structural source of poverty and livelihood insecurity in the study area. As the National Planning Commission states, *“the economy and government actions, although successful in many areas, have largely failed to fulfil the expectations of poverty alleviation. (...) wide disparities persist in regard to income distribution, social and economic infrastructure and employment opportunities (...)”* (NPC 2003).

Displacements and compensations: The Koshi Tappu Wildlife Reserve Management Strategy Framework states that,

In the beginning, management effort was on wildlife species protection and limited resources exploitation from the reserve. This increased the conflict between the park and the people living in

the adjoining villages. It was realised that the protected area management in isolation did not contribute towards successful conservation. To safeguard the natural integrity of protected areas, community involvement and partnership in conservation became inevitable. (UNDP/DNPWC 2002: Foreword)

This statement clearly acknowledges the severity of the conflict. One basic reason for the persistence of conflicts between park authorities and people is the lack of proper compensation and of alternative livelihood opportunities for the poorest and most marginalised people (Sharma 2002; Christie 2003).

The respondents explained that there had been several settlements of ethnic groups in the present KTWR area but that the government had removed them to establish the Reserve in 1975/76. Many households displaced by the KTWR have not yet received any compensation. The government formed more than 12 commissions to settle the compensation issue. Some displaced people with *Lalpurja* (a red-sealed land ownership certificate) received compensation for their land. A few people who had strong networks allowing them to exert influence also received some land in the Sunsari district as compensation. However, many of the displaced people who had no legal certificates and no strong political or personal connections with commission members have not received any compensation. The respondents unanimously claimed that these commissions act politically and therefore have become a regular source of conflict.

Fishing: Section 5 of the NPWCA of 1973 prohibits fishing inside a national park or reserve. People living in and around the KTWR area have been involved in fishing since time immemorial. However, no concession has been granted even to fishing communities whose survival depends solely on fishing.²¹ More than 90% of fishermen are landless, and fishing and wage earning are their only means of livelihood. Livelihood in the Ghodi/Mallaha, Satar, Jhangad, Batar, Tharu, Dusad and Khatwe communities depends on fishing, driftwood collection, weaving of mats and mattresses from *pater*, collecting snails, etc. Highlighting the fishing situation, Sharma (2002) writes that “[i]t is estimated that 115 households along the Koshi Barrage depend solely on fishing, where 1000–1500 people fish every day”. Belbase and Thapa (2004) argue that restrictions imposed on traditional fishing are a glaring example of disregard for the practices and customs of local people and an infringement on the fundamental right of occupation guaranteed by the Constitution of the Kingdom of Nepal of 1990.

Driftwood: People have not only been prohibited from collecting fuel wood from the Reserve area; they have also been denied the right to collect driftwood within the KTWR. The Koshi river carries a large amount of driftwood during the monsoon season, which local people used to collect before the establishment of the Reserve and are not allowed to collect any more.²² This is another example of people's basic rights being denied by the state.

Livestock: Section 5 of the NPWCA also prohibits grazing or watering any domestic animals or birds inside national parks and wildlife reserves. Rule 6 (c) of the Wildlife Reserve Rules prohibits grazing or watering any domestic animals or birds inside a reserve without the written permission of a Warden. Although livestock is a main source of livelihood in local communities, the NPWCA has denied this reality. Accordingly, the local community has virtually no control over the resources over which it had full control before the establishment of the Reserve. The respondents consistently stated that the restrictions on grazing and watering domestic animals, fishing, collection of fuel wood and driftwood and access to the Reserve for other purposes and rituals have resulted in economic and social hardship for local people. The KTWR has not only meant reduced access to resources to which people used to have free access; people have also not received adequate compensation, if any, for various losses that they suffered because of the KTWR.

Cultural issues: Section 4 (1) of the NPWCA stipulates that nobody can enter a national park or reserve without having written permission from an authorised official. Hence, the NPWCA prohibits the people from performing their religious practices and funeral rites within the KTWR area.²³ People had been performing religious and/or customary practices and funeral rites/rituals, including using part of the river area as their cemetery since time immemorial, but the Reserve authority violated their religious rights under the Nepalese Constitution.

Contradictions of authority: According to the Local Self-Governance Act of 1999, local authorities (VDCs/DDCs)²⁴ are authorised to deal with local natural resources (e.g. sand on the riverbanks, stones, water sources, etc.) within their political boundaries. However, the NPWCA restricts these rights to park authorities within the park boundaries; even the parks belong to VDCs/DDCs. Similarly, there is a contradiction of authority between the District Forest Office and the reserve/park authority as to the handling of driftwood. As observed in different parts of Nepal, if resource rights are not well defined and enforced, resources are taken by threat, violence or misinterpretation (Pradhan et al 1997; Upreti 2002, 2004a, 2004b).

7.5.2 Performance of the participatory approach

Findings from field research show that the Participatory Conservation Programme in the Koshi Tappu Wildlife Reserve has yet to create sufficient alternative livelihood opportunities (e.g. income generation from fish farming, vegetable cultivation, etc.) for the poorest people and the indigenous communities (e.g. Godhi, Mallaha, Satar, Jhangad, Batar, Tharu, Dusad), whose customary rights have been curtailed and who consequently face severe livelihood insecurity. However, offering project activities in itself does not support the poorest people; people require special delivery mechanisms and affirmative provisions to have access to and control over these activities. The PPP (PCP) has as yet been unable to create special mechanisms and provisions for indigenous communities and poor and landless people.

To date, the PCP has led to the formation of 434 groups, of which 110 are men only and 212 are women only, while the remaining 12 are mixed. However, this group formation alone does not ensure the livelihoods of the poorest and of the indigenous communities. It has been observed in field research that the programme of community capital generation through group savings has also not yet properly reached the poorest and marginalised communities.

There is a good provision for spending 30–50% of the revenue generated from the park/reserve in the community. However, the real question is whether the provisions made on paper can ensure real utilisation of 30–50% of the revenue generated from a national park or wildlife reserve by people living in and around national parks and reserves. For poor and marginalised people to have access to resources and share the benefits arising from the utilisation of these resources in national parks and reserves is a big challenge that can only be met through amendments to legislation and regulations (e.g. if the Buffer Zone Management Rules are amended to enable communities to have rights of use inside the national parks and reserves, which has been prohibited since the enactment and enforcement of the NPWCA). However, this has not yet been done.

Field observation and responses in focus group discussions confirm that the local elites dominate activities and processes in the PCP. It is not possible for the poorest people to participate in the activities of this project, as they have to work during the day to have food in the evening. They have no time to go to conservation education sessions or group meetings and are not able to invest resources required from their side to generate alternative energy (the

project supports alternative energy development, with people being required to co-invest).

The responses from local indigenous people clearly demonstrate that the PCP is not working to uphold the customary resource rights of indigenous people. Instead, it is diffusing people's concerns over indigenous rights by shifting them to group activities, which will not help to change unequal social structures that deny equity to indigenous communities and socially excluded people (see Box 4).

Though the Reserve authority claims that there is now better participation by socially excluded people in the PCP buffer zone project, local people as well as politicians do not accept this claim. The former Vice Chairman of the Sunsari District Development Committee (DDC), Mr Bansi Muktan,²⁵ maintained that the gap between rich and poor is increasing in the buffer zone area. There is no involvement of the local people in decision-making regarding the Reserve. The local elite dominate during consultations about the KTWR buffer zone project.

The Local-Self Governance Act of 1999 is so far the most progressive decentralisation law of Nepal. It aims to institutionalise the process of development by enhancing the participation of all the people including ethnic communities, indigenous people and the down-trodden. It asks for the participation of socially and economically backward groups in planning and implementation of development projects and programmes to achieve social equality, and to mobilise available resources for the benefit of poor and marginalised sections of society.

The processes and dynamics which led to an instrumentalisation of participation by the elites are a common characteristic of the PCP. Various community-based organisations such as user groups and user committees, and Buffer Zone Management Committees were among the structures created by the PCP in which indigenous and marginalised people were supposed to participate. However, the respondents declared that the PCP demands a lot of voluntary involvement by local people. Poor, marginalised and socially excluded people cannot afford to make such voluntary contributions for longer periods. Most of the activities of the PCP are awareness-related, requiring physical presence (e.g. meetings), matching contributions, etc., which is virtually impossible for those who have to survive by earning a living day by day. Consequently, those who can afford to meet the require-

ments of the project receive its benefits. As a result, the project has fully legitimised the reaping of benefits by the elite, economically well-off and clever members of the community, creating frustration among poor people. The Maoist rebels capitalised on the frustration of these people. The main ethnic groups traditionally involved in management of and drawing benefits from the available natural resources benefit the least from the project and are the most insecure in the study area. Most of them have no land, their customary rights are no longer valid, land tenure is insecure (no land right but mere use of communal or public land), and they live in physically vulnerable areas (e.g. areas prone to flooding). For example, how can landless people benefit from the project's subsidised fish pond scheme (providing assistance in constructing fish ponds) if they have no land to construct a fish pond on?

The aim of the government and of the project funding agency (UNDP) was to bring benefits to the poor but, due to the process of implementation, there have been unintended results. The local dynamics of participation are very much shaped by negotiations between the project staff and local elites. Local elites have strong networks and a great deal of influence both in the community and among the project staff; accordingly they manipulated matters to justify their activities by gathering local people or at least by collecting signatures from people to provide evidence of having had a meeting – a compulsory provision stated in the implementation procedures and guidelines of the project. Hence, the whole process of local participation is ultimately negotiated between the field-level project staff and local elites, which serves the interests of exploitative local elites, that legitimise the negotiated decisions under the guise of community participation.

The above section is a clear empirical indication of the unintended consequences of the new participatory conservation paradigm when used in an inappropriate fashion. The logical implication is that the participatory paradigm does not work if there are no responsible institutions and conducive policy contexts for effective implementation. Donor-sponsored and externally led participatory interventions sometimes do more harm than good, as observed in the case of the Koshi Tappu Wildlife Reserve.

7.6 The local struggle and the national indigenous social movement

As indigenous poor communities suffered from the consequences of the KTWR, they began to organise themselves and raise their concerns publicly. These voices were also linked with the strongly organised national indigenous movement.

An examination of Nepalese history demonstrates that the indigenous people, the *Dalit* and marginalised sections of society have been oppressed by the state for more than two hundred years. Racial and religious discrimination and other forms of intolerance have persisted throughout Nepal. After the restoration of democracy in 1990, the new constitution was promulgated, asserting equal rights for indigenous people, the *Dalit* and marginalised sections of society. However, the hierarchical, feudal social structures of Nepalese society did not make for easy acceptance of the constitutional provisions regarding these rights. Therefore rights activists, indigenous leaders and agents of social change initiated social movements to implement the rights guaranteed by the constitution, to respect racial diversity and dignity. As an outcome of these social movements, the National Commission on Indigenous and Ethnic Communities Act of 2001 was passed, which includes some important provisions for securing rights for indigenous and ethnic communities (Bhandari 2003).

Based on this Act, indigenous and ethnic communities are seeking intellectual property rights. The Act has identified 59 indigenous and ethnic communities in Nepal,²⁶ including most of the groups considered in this study. Now they are organised under the umbrella of the Nepal Federation of Indigenous Nationalities (NEFIN) and demand recognition of their rights to natural resources.

Local people and indigenous communities²⁷ in the KTWR area repeatedly raised the question of the problems caused by the Reserve, their concerns about denial of access, abuses by military guards, and issues of compensation not only with local government (i.e. VDCs and DDCs), but also with the Participatory Conservation Programme, local non-governmental organisations (NGOs), political parties, the KTWR authority and the Department of National Parks and Wildlife Conservation. However, their voices were unheard, mainly because the issues were directly related to government performance, establishment of their rights, and abuses by the military.

Hence, at the local level, nobody dared to take up issues relating to abuses by security forces and the Reserve authority, as this was quite risky. Finally, the victims started to organise themselves to raise their collective voice with the help of some national advocacy and rights-based NGOs. The ongoing relatively strong indigenous movement in Kathmandu has greatly encouraged local people to get organised and fight for their rights. The *Koshi Pudit Samaj* (Koshi Victim Society), Koshi Concern Group, and the Reserve Victim Society are some of the organisations that have emerged in the study area to protest against injustice and to assert local rights. Attempts have been made to link these local issues with a national campaign. One victimised fisherman emerged as a national leader of the fishermen's association.²⁸

The local administration and the Reserve authority became very angry upon the emergence of such organisations and their introduction of the issue of KTRW monopoly into the national debate (e.g. lack of compensation for private land taken by the Reserve, the misbehaviour of the security forces and staff of the Reserve, etc.). Consequently, the local administration charged these organisations with being supporters of the Communist Party of Nepal (Maoist) (a political party that was outlawed at that time – from 1996 onward – and waging a 'people's war' against the government to change the feudal social structures and the political system). The local administration had intensively searched the members of the Koshi Concern Group and other organisations and arrested members and supporters of these organisations. Similar protests were organised in other parks and reserves too. For example, in July 2003 more than 2100 people from 300 families displaced by the Royal Sukla Fata Wildlife Reserve organised a protest in which one person died while participating in a hunger strike.²⁹ Once such local protests emerged, national organisations not only supported them but also took up their issues at the national level. Hence, local issues became part of the national agenda of the indigenous movement.

On many occasions, security forces and staff of the Reserve mishandled local indigenous people, snatching fish from the fishermen and threatening people who opposed their misbehaviour. Sometimes they even raped women. Local people organised a number of protests against mishandling by the Reserve authority and obstructed the East–West Highway (e.g. at Bhanabari and other places). Such events attracted national attention and the media, and political parties, human rights leaders and indigenous leaders denounced the government's arrogance and abuses.

As the indigenous national movement developed further, it even questioned the existing constitution, which was said to be quite democratic and progressive. The Communist Party of Nepal (Maoist) advanced more radical demands related to indigenous and *Dalit* peoples, such as rights to self-determination, a federal model of ethnic arrangement in the state governance systems, etc. These demands were endorsed by ethnic leaders, and the national agendas of ethnic groups and the *Dalit* have now changed. The strong demands of the Maoists in favour of indigenous rights have not only raised the hopes of many indigenous peoples but also aroused their sympathy. The Maoists have therefore gained wider support from ethnic groups and socially excluded and marginalised sections of society.

Once indigenous people were organised and raised their voice against exploitation, their concerns were taken up by the Maoists, local journalists and politicians. This ultimately exerted pressure on the park authorities. Though the local park authorities were not able to change the regulatory provisions, the Chief Warden of the KTWR adopted a positive attitude to local concerns.³⁰

7.7 Conclusions

The present study has shown that shortcomings in earlier top-down approaches in the field of nature conservation have been recognised by the state authorities and by donors. To overcome the problems identified, people-centred, participatory, decentralised procedures have been introduced. The key finding of our case study, however, is that though the discourse on decentralisation and participation is well developed, practice on the ground looks different – as the continued persistence of conflicts indicates.

The core theme underlying these conflicts is linked to contradictions among the existing multiple legal arrangements in the study area and selective application of the state law by the Reserve authorities, ignoring other arrangements (Sharma 2002; Christie 2003; Matthew and Upreti forthcoming). Even though normatively defined, the National Park and Wildlife Conservation Act and other laws were applied differently by the KTWR authorities. Reserve authorities applied wildlife protection laws in such a way as to rationalise and legitimise their actions and to establish their supremacy in governing natural resources. However, people are daily faced with different customary and normative rules embedded in society (Benda-Beckmann

et al 1997) which are therefore not limited to formal protection laws only. In contrast, the Reserve authorities used top-down and legally engineered normative legal orders to regulate the behaviour and the actions of people in the KTWR area. The 'legal elite' (people having good knowledge of state laws and able to use them in their favour) further manipulate the system in order to achieve their personal, class or economic interests, at the expense of poor and socially excluded people. Use and abuse of the state's nature protection laws and policies to accommodate the vested interests of powerful elites by undermining the rights of indigenous people, threatening the basic livelihood of poor and marginalised people, and directly and/or indirectly promoting social exclusion have alienated the indigenous, poor and marginalised people in the study area. Consequently, victimised people have organised themselves to assert their rights. This is the situation currently faced by Nepal.

The right of access to and control over natural resources is defined differently by the KTWR authorities and by local people. The complexity and inter-relatedness of the legal framework with its different legal constructions are ignored by the Reserve authorities, which is a perennial source of conflict. In reality, the existence of plural legal systems in a community is in itself a source of resource conflict (Upreti 2001). The Reserve authority seeks to regulate natural resources according to the NPWCA framework, completely ignoring existing customary laws, whereas local and customary laws do not always accept the legal arrangements of the NPWCA. Further, the NPWCA is modified in practice by the Reserve bureaucracy to suit its overt or covert interests.³¹ Such alterations have also become a source of conflict in the KTWR.

Indigenous groups and socially excluded people in the KTWR feel that their livelihoods have been threatened by the Reserve, and they demand that the KTWR authorities respect their indigenous rights and allow them to have access to natural resources. The Reserve authorities deny these claims, citing legal provisions. When local people demand access to natural resources, the Reserve authorities refer to the National Park and Wildlife Conservation Act of 1973 and the National Parks and Wildlife Protection Rules of 1974 to justify their rejection of such claims.

Indigenous people and socially excluded groups get organised and collectively fight to establish their rights if the state does not positively respond to their livelihood concerns, and this may turn into violent conflict.

Though efforts have been made by the government to address park–people conflicts in the protected areas, the outcome until now has been far below expectations. This is particularly true if we consider the increase in livelihood insecurity among the poorest people and indigenous communities residing around the parks and reserves. This has been clearly demonstrated in the present case study of the KTWR.

This study has also revealed that small people-centred and participatory initiatives such as the PCP cannot immediately influence legal-centric, control-oriented resource governance practices. Rather, such initiatives shift or dilute the fundamental causes of tension by diverting people’s concerns (e.g. organising groups for kitchen gardening instead of mobilising them to assert their indigenous and customary rights). Decentralised and participatory models of governance only work when legal and policy environments are conducive and local institutions and the key actors (the central and local governments, bureaucracy, political parties and citizens) are responsive.

This study therefore concludes that even development interventions designed with good intentions and labelled ‘participatory’ or ‘decentralised’ and implemented with enough resources to include socially excluded people in mainstream development, such as the PCP, unintentionally support unequal power structures and skewed community relations, widen the gap between rich and poor, and massively induce conflict in a community if and when the projects fail to recognise local power dynamics and structural patterns as well as processes of negotiation and renegotiation.

Endnotes

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² With the Constitution of 1990, a parliamentary democracy was introduced.

³ Rights by indigenous communities to natural resources such as fishing in rivers and lakes, collection of wood and herbs from forests, free access to forest areas, unhindered worshipping inside the forests, collection of drift wood from the rivers, etc., as exercised for generations in a particular geographical territory and space.

⁴ Initially, the author was involved through the Nepal branch of IUCN (International Union for Conservation of Nature) as a principal investigator in this study in 2003. However, because of the author's interest in this field of research, the study was continued even after completion of the IUCN–Nepal research project in this area.

⁵ Koshi Tappu is a name given to certain geographical areas on the banks of the Koshi river. *Tappu* literally means “area surrounded by water”.

⁶ The study area is situated in the eastern Terai plains of Nepal near the border with India, between 26°33' and 26°45' N and 86°54' and 87°04' E. Koshi Tappu Wildlife Reserve was also inscribed as a *Ramsar* Site in 1987 and belongs to IUCN Protected Areas Category IV (Sharma 2002).

⁷ The Village Development Committee (VDC) is the lowest political unit, which is composed of 9 wards and headed by a chairperson elected by popular vote. Thus it is the governing unit at the local level. The executive committee of a VDC is composed of 45 people (five people elected from each ward).

⁸ Nearly 17% of the country's population, mainly Mallaha (Gongi), Mushahar, Satar (Bantar), Mukhiya, Kumal and Tharu, are dependent on wetlands (Bhandari 1998; Sharma 2002).

⁹ Satar are indigenous people also known as Bantar. They earn a livelihood mainly from weaving and selling a variety of mats and mattresses made from *pater* (a type of grass). However, restrictions on harvesting *pater* inside Koshi Tappu Wildlife Reserve (KTWR) affect their livelihoods. Many of them are landless and make only a temporary living by clearing forests. They use bows and arrows to kill wild animals such as tiger, deer, snakes, etc. for their livelihood (Bista 1967).

¹⁰ Mushahar people eat rats without qualms. They are generally landless and often move from one village to another seeking wage-earning work, and back and forth across the border (Bista 1967).

¹¹ Fishing in wetlands is their primary livelihood. They are landless and now becoming jobless as the wetlands are declining and fishing inside the Reserve is prohibited.

- ¹² The Tharu are among the oldest groups to inhabit this area. Their main sources of livelihood are farming, livestock and fishing (women engage in fishing). Most of them are landless.
- ¹³ Their traditional occupation is fishing and assisting people in crossing rivers.
- ¹⁴ The terms “ethnic group” (grouping is based on the similarity of their profession, social status and economic conditions) and “caste” used in this paper are the common sociological categorisations used in Nepal. The marginal groups are characterised by lack of access to economic resources (such as land, employment, credit facilities, etc.), social resources (status, recognition, influence, etc.) and decision-making (leadership, authority, etc.).
- ¹⁵ However, the proponents of the Reserve did not critically examine the relationship between indigenous people and the ecological functions of the environment surrounding them. In fact, local people are far more concerned, committed and skilful in protecting an environment entrusted to them.
- ¹⁶ The evolution of the Local Self-Governance Act (LSGA) of 1999 was one of the most visible and significant steps towards decentralisation and participatory development in Nepal. The LSGA provided a strong framework for the facilitation of decentralised planning, implementation, monitoring and evaluation of projects and programmes at the local level (VDCs and DDCs). The Participatory Conservation Programme was one such initiative.
- ¹⁷ The Annapurna Conservation Area, the Manaslu Conservation Area and the Kanchenjunga Conservation Area.
- ¹⁸ In 2003, the KTWR authorities killed 69 buffalo that had entered the Reserve, creating massive conflict between the Reserve administration and rich farmers backed by politicians. Often rich Indian farmers from the border areas also bring their buffalo inside the Reserve to graze and cross-breed with wild buffalo.
- ¹⁹ There have been several incidences of attacks by wild animals (mainly by wild boars, elephants and wild buffalo). For example, wild boars attacked Mani Lal Chaudhari (51) and Mina Koirala (45) in their homes.
- ²⁰ Killing of local people by wild animals is frequent in the KTWR area, mainly because the KTWR authorities do not allow local people to take action against wild animals that attack them. Within 3–4 years, several people were killed by wild animals. For example, one *Majhi* was killed by a wild boar in 2003, a wild elephant killed a 12-year-old child in 2002 and Jotish Chandrabansi in 1999. Other recent victims were Suren Kabirath (55) and Misra (21) (brother of Dev Raj Misra).
- ²¹ Rule 10 of the Wildlife Reserve Rules of 1977 stipulates that subject to the conditions imposed by the Warden in a permit issued by the Warden, fishing is allowed in rivers and ponds inside the Reserve. However, serious manipulation occurs and poor fishermen generally cannot get permission.
- ²² However, Indian people who collect this driftwood a few kilometres downstream have developed a deep sense of injustice and suspicion about the ill intention of the government towards its people.
- ²³ Formerly, people used the Koshi river segment between Trijuga and Koshi Dovan as a cremation place for the dead according to Hindu tradition. But after the establishment of the KTWR, the Reserve authorities prohibited this.
- ²⁴ District Development Committees (DDCs) are district-level local government units which are formed by several Village Development Committees (VDCs).
- ²⁵ Interviewed on 21 June 2003.
- ²⁶ Section 2 (a) of the National Commission on Indigenous and Ethnic Communities Act, 2001. The 59 indigenous and ethnic communities are: Kishan, Kushbadiya, Ganagai, Chepang, Chairotan, Hhangad, Tangwe, Tamang, Topkegola, Thami, Thudam, Darai, Dhanuk (Rajbansi), Newar, Free, Baramo, Bote, Bhote, Majhi, Mugali, Yakhha, Raute, Rajhi, Limbu, Lhoppa, Balung, Sherpa, Siyar, Surel, Hoyalmo, Kumal, Kusunda, Gurung, Chhantyal, Jirel, Dolpo, Tajpuriya, Tin Gaunle Thakali, Thakali, Tharu, Danuwar, Dura, Dimal, Pahari, Bankariya, Braha Gaunle, Bhujel, Magar, Marphali Thakali, Meche (Bodo), Rai, Rajbansi (Koch), Larke, Lemchha, Lohmi (Singh-sawa), Baysi, Satar (Santhal), Sunuwar and Haaye.

²⁷ In the study area, local people are not always indigenous people. Poor, marginalised and socially excluded people from high 'caste' groups are also local people but they do not belong to any ethnic group by definition.

²⁸ Surya Bahadur Majhi, one of the victims of the KTWR, was elected as the chairperson of the National Fishermen's Association and called attention to the problems faced by fishermen's communities with the KTWR at the national level.

²⁹ *Space Time Daily*, 4 July 2003.

³⁰ Consequently, the park authorities sent a warden to the indigenous community who began negotiations with the local people. However, the military deployed to protect the Reserve was not supportive and therefore the real problems of the indigenous people were not solved.

³¹ For example, if the Reserve authorities (mainly security forces deployed to protect the Reserve) need fish or meat, they go to fishermen or hunters and make demands by using their legal power (to charge people as encroachers, poachers or violators). If the fishermen or hunters refuse to comply with the demands, they are arrested and charged.

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8 Donor-driven Participatory Forest Management and ‘Local Social Realities’: Insights from Pakistan

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Abstract

The process of institutional changes in the forestry sector of Pakistan was initiated by the Government of Pakistan with support from different donor agencies during the mid-1990s. This paper analyses a participatory forest management initiative in the milieu of local social realities (such as customary forest use, power relations and livelihood concerns) and the actors who are part of these realities. The paper shows that the donor-driven decentralisation of forest management did not consider traditional practices of forest use, nor did it attempt to engage customary institutions and local civil society in the process. Though new institutions (joint forest management and Village Development Committees) have been established for implementation of participatory forest management and land use plans at the village level, the paper shows that responsibility delegated by the state to these institutions concerns protection of the forests rather than management. A mismatch between local livelihood concerns and the institutional change process is also revealed. The paper identifies historically rooted mistrust between local actors and state authorities as one of the key factors hindering the success of the participatory approach, and recommends that the village-level institutions should be accorded both empowerment and incentives to ensure sustainable participatory forest management.

Keywords: Participatory forest management; Northwest Pakistan; decentralisation; civil society; livelihood realities.

8.1 Introduction

Decentralisation and devolution are the leading themes in ongoing discussions of forest policy and natural resource management throughout the world (Ribot 2002). In most developing countries, decentralised or participatory forestry policies have emerged in response to ‘institutional failure’ regarding sustainable management of forest resources (Dupar and Badenoch 2002; Siry et al 2005), and Pakistan is no exception. The failure of the state’s forest authorities in reducing deforestation, and conflicts between the state and local people, have brought into focus the inefficiency of the top-down system of forest management (Iqbal 2000; Khattak 2002). In response to this, various donor-funded participatory forestry projects were implemented specifically in the forest-rich North-West Frontier Province (NWFP) of Pakistan during the 1980s and 1990s. The most recent of these was the Forestry Sector Project, which was started in 1996, funded by the Asian Development Bank, and in which the participatory approach to forest management was formally institutionalised.

In the process of implementation, however, such participatory approaches encountered ‘local social realities’: the realities of forest use and related decision-making are shaped by local interests, customs and traditions. A whole range of actors are part of these realities, ranging from representatives of ‘traditional’ forest management paradigms to more recent civil society organisations and private sector entities.

This paper provides an exploratory analysis of Pakistan’s model of decentralised forest management by adopting a perspective that focuses on these actors. More specifically, it addresses the following questions:

- How is participatory forest management put into practice in the NWFP?
- What is the extent of participation by various actors?
- What is the extent of the relationships and what are the levels of trust between various actors and the state?
- What lessons have been learnt and which entry points can be identified for improving the effectiveness of participatory forest management?

To answer these questions, the present article is structured as follows. Section 8.2 describes the dominant institutional paradigms of the forestry sector of the NWFP. Section 8.3 introduces the emergence of participatory approaches, and focuses on the procedures adopted in the Forestry Sector

Project (FSP). The encounter of the FSP with local social realities is detailed in section 8.4 and discussed in section 8.5. Finally, section 8.6 draws conclusions and points out some lessons to be learnt.

8.2 Dominant forest management paradigms

Natural forests cover about 4.8% of the total land area of Pakistan, with about 40% of these forests located in the North-West Frontier Province (NWFP) – hence the focus on this region in the present paper. The NWFP is home to approximately 18 million people. Almost two-thirds of the population trace their origins to Afghanistan and Central Asia. They speak the *Pushto* language and write in an Arabic script; *Hindko*, *Gojri* and *Kohistani* are other important languages spoken in this province (IUCN 1996).

There is a large variety of tree species because of the province's great physiographic and climatic contrasts. Besides providing a range of direct benefits to people, these forests also protect the country's fragile watersheds, which yield hydropower and water for the large agricultural economy in the rest of the country. These benefits are in danger, as Pakistan has a very high rate of deforestation, with 39,000 hectares of forests vanishing annually. Between the years 1990 and 2000, the deforestation rate in Pakistan was estimated at 1.5% annually (FAO 2005).

8.2.1 State forest administration

According to the constitution of Pakistan, forestry is a provincial matter. The federal government is responsible for liaison with international agencies, ensuring compliance with international treaties, etc. The provincial government of the NWFP manages the forests through the Department of Forests, Fisheries and Wildlife (DFFW), headed by the Conservator of Forests and with a hierarchy of lower officials. The department's activities are guided by the legal provisions of provincial forestry laws. According to existing regulations, the forests of the NWFP are divided between public (state-owned) and private forests (non-state). These are further divided into subcategories. The main categories of public forests are "Reserved" and "Protected". The provincial government, through the DFFW, has proprietary rights to the Reserved Forests, and various activities by local people such as clearing land, cutting trees or harvesting forest products are prohibited. However, unregulated grazing and removal of dry fuel wood is practised by commu-

nities (Ahmed and Mahmood 1998). In the Protected Forests, local people have more rights, such as a share in timber sale proceeds, use of timber and fuel wood, grazing rights for animals, etc. The main category of private forests is made up of the *guzara* (subsistence) forests, which are either managed by communities as communal property or held privately. Usually, some village members have user rights while others do not, and the DFFW regulates the removal of timber for commercial as well as local use.

Across South Asia (including Pakistan), the concept of forest management has been heavily influenced by the British colonial administration (Iqbal 2000; Poffenberger 2000). The first forest legislation along modern lines was promulgated in 1878 (Indian Forest Act) in order to regulate logging, and the first Indian forest policy was announced in 1894. These pieces of legislation brought the major portion of the forests under government control, with limited rights given to local people, whereas the role of the Forest Department was to police the forests in addition to regulating tree felling.

In 1849, the regions covered by the present-day NWFP came under British rule, and thus forest management became a centralised state matter in this province as well – except in some of the forest-rich mountain areas to the north-west of the Indus River, where princely states continued in power until 1969. In the other areas of present-day Pakistan, the Indian Forest Policy of 1894 was adopted and implementation was continued by the Government of Pakistan after independence in 1947, until 1955. Subsequently, various forest policies were announced and adopted by the Government of Pakistan.

8.2.2 Customary regulations

Prior to British colonial rule, the forests of the NWFP were managed by locally developed indigenous institutions. Decision-making regarding access to resources and distribution of benefits, management of resources, and responsibilities were deeply rooted in *rivaj* (customary law) and its enforcement mechanism, i.e. the *jirga* system – the council of tribal elders (Ahmad 2000; Sultan-i-Rome 2005). Details of this regulatory framework varied from region to region, however.

While the forests to the east of the Indus River (Hazara Division) came under direct colonial rule in 1849 and were soon declared Reserved Forests, the areas to the west of the Indus River retained a considerable measure of independence until 1969.³ In many areas, forests, according to *rivaj*, were owned

by the owners of the agricultural lands concerned. The other segments of society (non-owners, landless people, etc.) had some forest use privileges; for example, they had free access to forests within the boundaries of the village or tract concerned for grazing their livestock, cutting timber and collecting fuel wood for household purposes, cutting grass, lopping trees to feed cattle, and collecting minor forest products such as mushrooms, honey and medicinal plants (Sultan-i-Rome 2005). Today, such customary rules and regulations continue to structure local forest use and management, despite the enactment of state laws.

8.3 Participatory forest management

8.3.1 The inevitability of participatory forest management

Until recently, forest laws in Pakistan dated back to the 19th century and represented a narration of offences and corresponding punishment. However, these laws had not been able to protect and conserve mountain forests. The policing efforts of the DFFW seldom succeeded in protecting the forests; rather, they earned mistrust and provoked confrontation with local communities and defamation of the department staff (Iqbal 2000; Shahbaz et al 2006). According to Khan and Naqvi (2000), “the top down, non-participatory approach drove a wedge between communities and their birthright by denying them a say in management and subjecting them to a legal process that was often arbitrary. The unprecedented levels of degradation the country is witnessing currently are partly rooted in this.”

The conflict between customary regulations and the top-down state system made policy-makers – and specifically donors – realise the need for a change of paradigm towards more participatory procedures.

Initially in the NWFP, participatory forest management and extension programmes have been implemented at the regional project level on communal and state forest lands in Pakistan since the late 1980s.⁴ These donor-supported projects established village-level organisations for natural resource management, extension and infrastructure development activities. They were not in a position to halt pressure on forests, but they opened the doors for institutional change on a larger scale (Suleri 2002; Geiser and Steimann 2004).

This was reflected first in the National Forest Policy of 2001 and the NWFP Forest Policy of 2001; both emphasise the need for a participatory approach to forest management. However, these policies are under criticism from some civil society organisations that claim they are ‘donor-driven’ and thus ignore the realities and needs of the local population. In terms of institutionalising participatory approaches in these policies, the Forestry Sector Project (FSP) plays a crucial role, and it is therefore taken as a case study here below.

8.3.2 The Forestry Sector Project (FSP)

The FSP commenced in 1996 under a loan agreement between the Asian Development Bank (ADB) and the Government of Pakistan,⁵ and has been working mainly on enhancing the DFFW’s institutional capacity by following these principles and objectives (Heering 2002):

- Institutionalisation of the participatory forestry approach in the working of the department,
- Social organisation and capacity building of local community organisations,
- Increasing coordination and cooperation and promotion of team-based management in the department,
- Decentralisation of planning and authority,
- Re-definition and re-orientation of the role of the DFFW in advisory functions,
- Addressing gender concerns in the department,
- Improving the training and education system of the department.

Within the DFFW, a new structure was developed with the intention of decentralising planning and authority and increasing coordination and cooperation within the department.

As a principal tool for initiating participatory forest management at the local level, the FSP institutionalised land use planning at the village level – known as the Village Land Use Plan (VLUP) (Khattak 2002). The village plan accentuated the empowerment of residents in decision-making to improve natural resources. The VLUP involves a set of guided steps in a planning process with the intention of involving (in collaboration with the Forest Department) the local community, non-governmental organisations (NGOs) and outside landowners in the protection and management of forests, in addition to undertaking development activities at the village level (Samyn

and Nibbering 2002). As a platform for the VLUP and its subsequent implementation, Village Development Committees (VDCs) and Women's Organisations (WOs) were established. These committees and organisations were to be elected democratically, representing all the different social groups in a village. Thus they were expected to play a role beyond only forest-related issues. Improvement of the village infrastructure was also an objective of ADB-led participatory forestry in the NWFP, in addition to the core objective of forest management (ADB 1995). It is stated in VLUP procedures that if local people contribute 30% either in cash or in kind, or in the form of labour for development schemes, then the project will contribute 70% (Government of NWFP 2001).

The FSP started the participatory system through the VLUP in a few selected pilot villages, and the reformed DFFW was expected to apply the concept in the whole province. The following section describes some experiences in pilot villages.

8.4 Confronting local social realities: An analysis of 'decentralised' forest management

The following analysis of the FSP's participatory forest management is based on the realisation that many actors are involved in its operationalisation.⁶ Many of these actors have their own reasons for becoming involved (or not becoming involved) in a specific participation venture (Geiser 2001). Hence this section explores the characteristics, roles, extent of participation, and interactions by the main stakeholders in the FSP. Key stakeholders include the local people, their traditional forms of organisation, the Forest Department, timber dealers and, more recently, local governments, civil society and the donors.

8.4.1 The local people

The people living in and around the forests are important stakeholders and users of forest resources. The term 'local people' refers to heterogeneous social groups stratified according to income, caste, gender, religion and land ownership. Thus in the context of forestry, we find land owners, landless tenants, holders of rights to protected forests,⁷ non-right-holders, *gujjars* (nomads), etc. Their interaction with the FSP is discussed below while addressing some of the key issues that were identified in the course of our research.

Different expectations from the project: In general, local people use forests in a variety of ways (Figure 1).

Intensive use of forest resources such as gathering firewood and fuel wood, harvesting timber for the construction of new houses or repair of old houses, and use of forest pastures and fodder for livestock is mainly for subsistence purposes. Very few (local) people use forests for commercial purposes, such as collecting *qalang*⁹ and selling wood.¹⁰ Thus, local people are not dependent on natural resources (forest and land) for cash income, as the main livelihood strategy is income received in the form of remittances (domestic and foreign),¹¹ followed by labour (daily wages), salaries and farming (Figure 2).

Fig. 1
Forest use patterns
in the NWFP.⁸

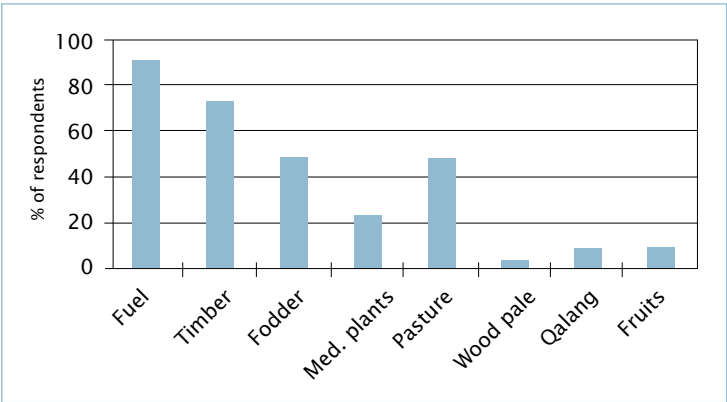
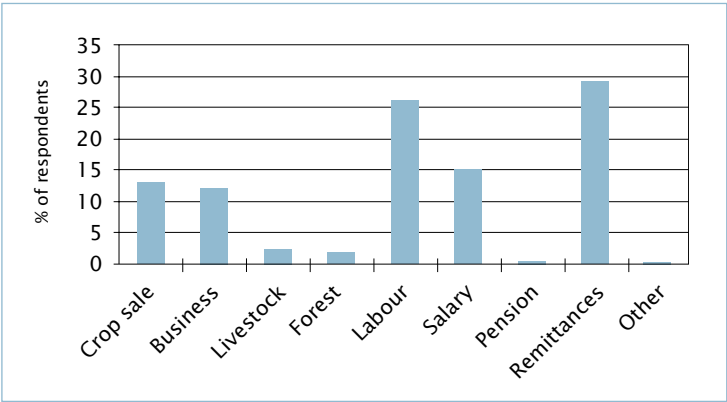


Fig. 2
Primary (main)
sources of cash
income.¹²



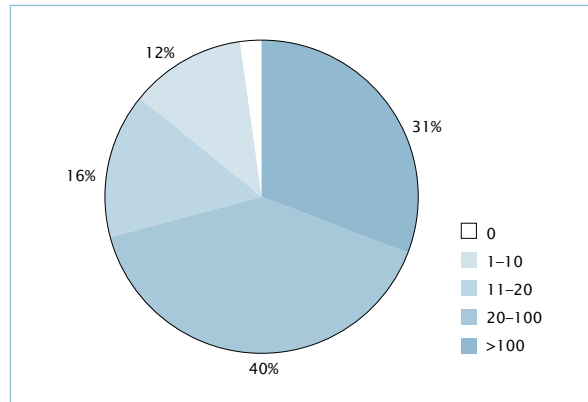


Fig. 3
Area of arable land
(in kanals;
8 kanals=1 acre).¹³

Small land holdings (see Figure 3) and low agricultural productivity in the mountainous areas of the NWFP are among the reasons for migration by the local communities.

When asked about their priorities regarding livelihood outcomes, most people cited income or food security; very few people gave priority to better forest cover over income and food security (Shahbaz 2007).

Thus, we find a mismatch in expectations regarding the objectives and priorities of decentralised forest management. While the FSP emphasises forest protection and regeneration, these are not priorities for local people, whose main concerns include higher income, enhanced food security and improvement of village infrastructure (roads, provision of drinking water, and electricity) – issues that are actually also addressed by the FSP at least in principle, even if not in practice. Though improvement of forests would increase natural capital, the dearth of immediate incentives was a barrier in motivating local people to protect forests.

Regulating access: Construction timber is a precious commodity for local people because wood is the main component of their houses. Due to severe weather, houses need frequent repair and renovation but it is difficult for most people to gain access to timber. Usually the right-holders or *guzara* owners have to apply for a 'timber permit' for domestic needs. The permit procedure is quite complicated and a great deal of red tape is involved, including an application to be channelled through a hierarchy of forest officials – from forest guards to the Divisional Forest Officer (DFO). The final decision is taken

either by a range officer or the DFO, and then the application has to be routed back through the same channels. Field studies (Steimann 2004; Shahbaz 2007) revealed that in some of the project villages the permit procedure had been simplified, as the Forest Department had authorised VDCs to recommend the applications, which were then sent directly to the range officer. The respondents argued that if local people had easier access to construction timber (as an outcome of participatory forest management), they would better protect/ conserve their forests in collaboration with state forest officials.

Trust: The punitive laws and restrictions imposed by previous forest management strategies created a huge gap between local people and the state. The recent shift towards a participatory paradigm was expected to bridge this gap. However, research has shown that most of the people still perceive the DFFW as solely responsible for the depletion of forests. Moreover, the general perception of the people is that the Forest Department collaborates with the timber mafia¹⁴ and sells their precious forests to outsiders. On the other hand, the DFFW officials often blame local people for exploitative use of forest resources. However, the decentralised forest management model introduced by the FSP has the potential to bridge this gap, as a slight improvement in the quality of relationships and the level of trust was recorded in the project villages¹⁵ as compared to other (non-project) villages (Shahbaz 2007). During the VLUP process, the DFFW staff frequently visited the villages concerned and the villagers had more opportunities to meet the foresters and even higher officials in their areas. Although residents of the project villages showed some resentment towards the DFFW, the situation was worse in the non-project villages.

Involvement of marginal groups: Research has shown that poor and marginalised people were ignored in the VLUP process and the activities of the VDCs/WOs. The DFFW selected villages for FSP interventions and VLUP processes that were comparatively accessible by road, while far-flung and remote villages were not considered. Similarly, within the project villages, the residents of remote hamlets in one of these villages participated less in the activities of the VDC than people living in the central hamlets of that village.

8.4.2 Civil society

In this paper, the term ‘civil society’ refers to organised institutions in the context of the rural mountainous area of the NWFP – excluding family, government and business – aiming at societal change. We found organisations that are of a customary (e.g. the *jirga*) or religious nature, as well as more recent insti-

tutions such as non-governmental organisations (NGOs) and project-induced community-based organisations (CBOs).

Community-based organisations (CBOs): The FSP has created new village-level institutions in the selected project villages. During the preparation of the VLUP, the villagers were urged to constitute Village Development Committees (VDCs) composed of 12–15 males, and Women's Organisations (WOs) consisting of 10–12 females. The male social organiser in the Forest Department assisted in the establishment of the VDCs, while the female social organiser (usually a female forestry extensionist) helped in the formation of the WOs. The residents of various hamlets in a village selected their respective members, and in turn these members elected (or selected) the president, secretary, treasurer, etc. of their VDC and WO. These new institutions are to implement the VLUP, to make the community aware of the importance and proper management of their natural resources, to "bring the community towards a collective and self-help vision for their general development", and to "bring harmony and decrease social disparity by giving equal opportunity to everyone through human resource development".¹⁶

In principle, these institutions represent new social capital for many households. Our studies (Awais 2005; Shahbaz and Ali 2006) revealed, though, that, by and large, the common villagers did not participate in the meetings and activities of the VDCs and that usually only elected members of these institutions participated in the monthly committee meetings. Many were unhappy with the performance of the VDC, because ambitious commitments, such as improvement of physical infrastructure, income generation and ease of access to timber, had been made by FSP representatives during the VLUP process and initial meetings of the VDCs. But with the passage of time, the villagers became frustrated and disappointed due to the very low pace of the VDC developmental activities, and the non-cooperative behaviour of the DFFW staff. In some areas where the VDC had undertaken plantations by employing local labourers, the Forest Department had not paid their wages for many months.

Women are the main stakeholders and users of forests in the subsistence domain. They collect water, fuel wood and fodder, raise small livestock as well as processing food, cooking and caring for children; however, their participation in the planning process of the VLUP was negligible. Women's Organisations (WOs) exist in most of the project villages, but only on paper, with practically no activity being undertaken. The main cause for this is male domi-

nance and the influence of religious groups in the rural areas of the NWFP. Another factor in the disappointing performance of WOs is the lack of capacity and leadership among the female population in rural areas of the NWFP. Female literacy in the rural NWFP is only 21.7% as compared to 59.2% for the males.¹⁷

Non-governmental organisations (NGOs) and ‘social movements’: Several NGOs are working in the forest-rich districts of the NWFP,¹⁸ the most prominent among which is the Sungi Development Foundation, established in 1989 as a non-profit and non-governmental public interest organisation. It resulted from an initiative taken by a group of socially and politically active individuals from the mountainous regions of NWFP (mainly Hazara Division). Sungi has remained critical of state institutions, particularly the DFFW. It also helped in the establishment of the *Sarhad Awami Forestry Ittehad* (SAFI, People’s Alliance on Forestry in the NWFP) in 1997, an alliance of various forest stakeholders who are challenging the state forest reform process. The common aim is to protect the forest and people’s forest rights. SAFI argues that these rights are not properly observed in the FSP-led initiative concerned with participatory forest management (SAFI 2000).

SAFI is one of the very few examples in the NWFP where people have organised to engage in the policy debate for their rights in resource management. It has an established membership (currently 3,000) and staff, a constitution, a formal charter of demands and a forest protection manifesto. The mission of SAFI is:

to motivate stakeholders, especially deprived and ignored sections (women, tenants); to bring changes in the policy, laws and forest related institutions, which are based on the environmental principles for a wise, sustainable, and participatory management of forests; and to promote social justice for all segments of the local population by demarcating and protecting their needs and rights in relation to forests on a mutual basis. (SAFI 2000, p 2)

However, according to Khan et al (2006, p 24) “SAFI is not yet a fully evolved people’s movement and continues to draw extensively upon Sungi’s support”. Nevertheless, with no means of financial self-reliance and in a relatively short time, it has developed a distinctive pulse. For example, it established forest protection societies and community checkpoints to prevent illegal timber movements. SAFI organised an intensive campaign against the promulgation

of NWFP Forest Ordinance 2002, which provided legal cover to institutional change, at different levels (province, districts and *tehsils*). It also translated the new Forest Ordinance into the Urdu language.

However, the protests made little headway, as the DFFW claimed sacrosanct status for the ordinance under the Legal Framework Order (LFO)¹⁹ of the military government (Khan et al 2006). Initially, the FSP process provided considerable space for the involvement of NGOs in planning, implementing and monitoring the process. Some NGOs (Sungi, Sustainable Development Policy Institute [SDPI]) were invited during the planning stage of the FSP. But the involvement of NGOs was reduced once the project had been started and the DFFW received funding from donors. Thus, most civil society organisations are quite critical of the approach adopted by the DFFW, and accuse the Forest Department of not being willing to decentralise forest resources in the true letter and spirit of the law. Many local people, though, have mixed perceptions of these NGOs. Many (especially religious groups) believe that these NGOs have some hidden (Western) agenda and want to spread Western culture in the area.

***Jirga* – the assembly of elders:** *Jirga* means council, assembly or meeting in the Pushto language. A *jirga* is normally composed of elderly males most of whom belong to the dominant tribes of a village. The youth, women, minorities and (sometimes) less powerful or small tribes in the village have no representation in the *jirga*. The main role of the *jirga* is that of conflict resolution, but it is also important in reproducing and continuing traditional regulations governing access to forests according to *rivaj*.

Analysis of the data collected (Shahbaz 2007) regarding the collective action undertaken by local people in development, such as construction/repair of roads, water supply schemes and plantations, revealed that significantly more people in the project villages contributed to such activities than in the non-project villages. Those respondents (or their family members) who contributed to such activities were asked as to who motivated them. In the project villages, the VDC provided the main stimulus for motivating people to undertake such collective actions, whereas in the non-project villages, the *jirga* and the mosque were the major motivational forces.

From this discussion it can be concluded that the new (democratic) institutions (VDCs) created as an outcome of the participatory approach to development have the potential to replace traditional (orthodox) institutions such as *jirga* and mosques in some cases.²⁰

Religious groups and movements: A majority of the rural population of Pakistan in general, and of the NWFP in particular, is Muslim and religion has deep roots in the culture and traditions of society. The religious leaders, who belong to different schools of thought (or sections of Islam), are widely respected by their respective followers. Most of these people are trained and educated in the confined atmosphere of a *Madrasah* (religious school). Religious leaders such as the *Imam Masjid* (the one who leads prayers in a mosque), the *Pir* (the spiritual leader) and the *Tablighee* (one belonging to a particular preaching sect/group of Islam) act as initiators of religious and related social change movements. The *Imam Masjid* motivates people (particularly in Friday prayers) to engage in activities and tasks for the betterment (according to their own vision) of society in traditional ways. They rarely rely on innovative and strategic measures to change society.²¹

In implementing participatory forest management, although the mosque was used (in some study villages) by the FSP for announcements regarding meetings of the VDCs, involvement of the *Imam Masjid* in the activities of the VDCs, in awareness-raising campaigns, tree plantation activities, etc. were not considered.²² Besides being a potential entry point for forest-related matters, religious practices are one of the obstacles to gender mainstreaming and thus add to the ineffectiveness of WOs. According to Sattar and Baig (2001, p 15),

throughout 2000, NGOs were subjected to repeated verbal assaults by religious leaders. The attacks came despite the support extended by the government ministers to NGOs calling for their inclusion in advisory panels and in undertaking work at the grassroots level. Religious extremists continue to accuse development and advocacy-oriented NGOs of working against 'national ideology' by spreading liberal and secular values.

8.4.3 Local governments

In October 1999, the politically elected government of Pakistan was overthrown by the army and General Pervez Musharraf took power. The military government instantaneously announced a Seven Point Agenda to deal with the so-called institutional crisis in the country. One of the main components of this agenda was the introduction of the Devolution of Power Plan in 2000. The new system provides a three-tier local government structure within each province: district, *Tehsil* and Union Council. Each is comprised of a *nazim* (mayor) and *naib nazim* (or deputy), an elected body and administra-

tive structures. The elections at the Union Council (UC) level constitute the backbone of the entire system. It is the only level where elections are direct and citizens elect their representatives by vote, while the district and *tehsil* assemblies consist of *nazims* and *naib nazims* of the UC respectively.

The most prominent point of departure from previous local government schemes in Pakistan was this plan's proposal to place the elected *nazim* (mayor) at the top of the district administration. Previously, control had been with the provincial state through the post of the Deputy Commissioner (DC); this was now abolished and the provincial bureaucracy represented through a District Coordination Officer (DCO) – a civil servant who now works under the direction of the elected *nazim*. The DCO heads the district administration and is supported by Executive District Officers (EDOs) working in different provincial departments such as agriculture, education, finance, planning, health, information technology, law, literacy and revenue.

However, the forestry sector was among the few sectors not included in the devolution plan. The provincial Forest Department remained the main 'custodian' of the forests; only the farm forestry component was devolved and handed over to the district administration. Therefore, regarding natural forests, there is no formal link between the local governments and the DFFW. Nor do the VDCs and WOs have any formal interaction with the local governments. This reality does not foster coordination and trust. The representatives of local governments (e.g. councillors) are very critical of the DFFW and blamed it for working against the interests of the communities.

On the other hand, as a DFO remarked:

The local governments and the ministers are pressurising us regarding timber permits, transfer of staff, etc. They are least interested in forestry matters. The permits [for timber] were issued by the DFO but now the DFO issues the permits with the recommendation of the nazim. But in each and every case the nazims recommend the permit; they never deny anybody. They have to do this for political reasons; they have to please their voters and contest the election again.

Another DFO stated that "forestry is the least priority for the local governments; they don't even bother to reply to our letters".

8.4.4 Timber merchants

Very high timber prices in Pakistan (10,000 to 12,500 Rupees [130 to 160 USD] per pine tree; Khan et al 2007) make the timber business a lucrative one, and thus illegal timber harvesting has become widespread throughout the highlands of the NWFP. Commercial timber harvesting in the NWFP has been banned since 1992, but illegal harvesting has continued at an even higher pace. During the same period (around 1995), the notion of a ‘timber mafia’ became common in northern Pakistan. This refers to a network of various actors (political leaders, some state forest officials, influential locals and outsiders, businessmen, transporters, police, etc.) established with the single purpose of making money from cutting and selling timber illegally. This nexus emerged through certain practices such as networking, bribing, blackmailing, buying royalties, as well as exporting local timber and importing ‘foreignised’ timber (Geiser 2000).

The DFFW is blamed by civil society, local people and journalists for being involved in illegal timber cutting and facilitating the timber mafia. Some politicians and even members of the national and provincial assemblies are also believed to be supporters of or even part of the timber mafia (Shahbaz 2007). This makes it quite difficult for honest foresters to catch the real offenders. In a field interview, a forest officer stated that he once stopped a truck fully loaded with wood logs and handed over the offenders to the police, but the very next day when he was standing on the roadside a car struck him and his leg was broken as a result. According to him, the car belonged to timber smugglers taking revenge. Another DFO stated that “whenever we catch a big criminal, my telephone and personal mobile phone start ringing with calls from influential persons who want the release of the offenders”. According to the local people, most of the forest officials receive bribes from the timber smugglers and allow them to cut precious trees.

Interestingly, in the context of participatory forest management in the selected pilot projects, a significant reduction of illicit tree cutting as compared to the non-project villages was recorded, which indicates that strengthening the sense of ownership and responsibility at the local level might be of use.

8.4.5 The Forest Department

The FSP has worked mainly on enhancement of the Forest Department’s institutional capacity and has effected some changes in its administrative

structure, with the intention of decentralising planning and authority (i.e. to backstop the VDCs and WOs), and to increase coordination and cooperation within the department. In practice, however, many lower-level staff of the DFFW have not accepted the new (participatory) approach and feel that their authority and 'source of income' are threatened. According to a Divisional Forest Officer (DFO),

the Forest Department has taken the lead among all other departments to involve/empower the communities in the management of forest resources. But a quick change in attitude in people [lower-level foresters] who have been working in the department for a long time is very difficult and it is not easy for them to adjust in the new setup. However, we are learning slowly and moving towards the joint forest management system (...).

8.5 Discussion

The results of research presented in this paper refer to efforts by state authorities in Pakistan's North-West Frontier Province (NWFP) to decentralise the planning and implementation of forest management. It has been argued that decentralisation is unavoidable, considering past experiences with the top-down, colonial based procedures. We have also pointed out that the efforts made by the FSP show interesting initial outcomes, such as a reduction of illegal timber harvesting in project villages.

However, the insights gained show that the actual practice of designing and implementing such decentralised resource management is a contested field in itself, an arena that determines whether such intentions are successful or whether they fail. Our research underlines the importance – in the context of Pakistan – of several issues. Among these are

- A donor-driven process,
- The importance of (divergent) expectations in the process,
- Ignoring customary forest management procedures,
- Timber market incentives for non-participation,
- The limited devolution of power,
- The historically rooted mistrust between the state and local people,
- Overlapping and non-coordinated institutions,
- The difficulties of non-state actors in such a sensitive context.

Donor-driven process: The participatory approach to forest management was initiated through donor-assisted projects, specifically the FSP, which was launched in 1996. The donors also pushed heavily for the formulation of the Forest Policy of 2001. A mechanism intended to ‘broad-base’ the institutionalisation of participatory forest management failed. This meant that no reforms came from local collective action. One reason for this is said to be prevailing power relations: the actors with the most bargaining power profited greatly from the local open access constellation regarding forests (as a consequence of competing state and customary regulations); hence there was no need for them to change the institutional setting. But as participation has become mainstream in the global development arena, forestry projects were donor-funded only when village-level committees were established. This raises questions about the ownership of the reform process.

Divergent expectations: The stated objectives indicate that the mandates of the VDCs and the WOs went beyond forest-related activities, but in practice the DFFW emphasised forest protection activities, ignoring the developmental component of the project. The DFFW has a mandate to manage forests specifically for supplying timber to the nation, and to secure the forests’ ecological functions. In decentralising forest management, the department maintains these priorities. On the other hand, local people use forests in a variety of ways, among which meeting subsistence needs (e.g. firewood, soil, timber for house construction) has priority. Financial livelihood concerns are not met by forests (e.g. by selling timber), but by selling labour in the context of migration. Local people’s top priorities are to secure the financial means required for a living and related basic needs such as physical infrastructure, schooling and health. Thus, their expectations of VDCs lie in these areas. Our results show that this divergence of expectations is addressed by the FSP in theory but not in practice.

Ignoring customary forest management procedures: Our research shows that state-initiated decentralisation of forest management, on the one hand, does not consider traditional practices (*rivaj*) of forest use but maintains the state’s authority, and on the other hand is unable to overcome traditional access discrimination among local people. This paper highlights, for example, that the VDCs are controlled by influential people and that poor people are given less representation and thus fewer opportunities for participation in these committees.

Timber market incentives for non-participation: Timber is a highly priced good locally, and the most powerful actors in the state as well as in the communities are not interested in changing informal institutions based on weak formal institutions, because they would be on the losing side. For actors with less bargaining power, participatory approaches might be of interest if developed together with them. Otherwise, it is of no use for them to be engaged if they have nothing to gain and only very limited power to redress the institutional setting. Participatory forest management can be an effective strategy to deal with the timber mafia by developing a sense of awareness and ownership among forest residents. Participation in decision-making (e.g. the VLUP process) has created a sense of ownership among local communities (witnessed, for example, in the reduction of illegal cutting by villagers and their protection of forests from outsiders in the project villages, as well as new plantations). But there is another weakness in the new institutions. The responsibility (as delegated by the state) of these newly created institutions concerns protection of the forests rather than management, meaning again that no sense of local ownership can evolve. There are very few incentives for the committees regarding forest protection, while a change in the status quo would mean that the most powerful actors would cease to profit from timber. As a result, the members of the committees as well as other actors are losing interest. The village committees are tightly controlled by the Forest Department, too, and therefore not able to act independently. Under these conditions neither trust and friendly relationships nor good governance can be expected.

Limited devolution of power: One of the main problems with the decentralised forest management system in the NWFP is that the state still holds the key decision-making powers. Decentralisation is not about the downsizing or dismantling of central government; rather, it calls for mutually supportive democratic central and local governance (Ribot 2002). Despite continued emphasis on devolving forest management authorities to local communities, in practice genuine devolution of authority and power over forests has occurred only to a limited extent. However, strong political will is needed for effective decentralised forest management; otherwise, state control over resources will just be reinforced.

Lack of trust: The historical background of the colonial and postcolonial state, with its ineffective top-down policies, has led local actors to conclude that existing institutional structures will not be changed easily. Mistrust and

insecurity have therefore given way to a kind of prisoner's dilemma in which each side behaves as if there were no participatory approaches. Neither state actors nor local government or local-level actors are willing to cooperate. The consequences are high deforestation rates and institutional instability, which make it difficult to establish robust institutions.

Underlying the above-mentioned divergence of interests is a historically rooted mistrust between local people and the state on the one hand and the unwillingness of actors with great bargaining power, such as officers from the Forest Department, to devolve power on the other hand. For such officials, devolution of power would mean more insecurity and vulnerability, while local governments, villagers and households do not really have a say in the matter. Therefore the new institutions and organisations created for the participatory forest management process are not stable, nor is the department really willing to fulfil this demand for devolution of power. On the other hand, local people experience every day that the forestry staff is not trustworthy.

The (limited) role of civil society and 'social movements': Various non-state, non-business groups are trying to operate within this contested political space. They include more modern types of NGOs (implementing donor-funded local development schemes), the traditionally powerful *jirga*, and groups working to foster traditional values (e.g. religious organisations). This paper specifically discusses the intentions and activities of a movement (SAFI) that challenges the state's approach to decentralising forest management. It shows that, on the one hand, the FSP does not really engage in a dialogue with these social entities, and that, on the other hand, these entities themselves are not in a position to effect a change in local resource use.

Overlapping organisations and lack of coordination: A general lack of integration in efforts and coordination among various NGOs working in the forest areas of the NWFP was found during the field surveys. During field studies, two or three, sometimes even more CBOs formed by the FSP, Sungi, Sarhad Rural Support Programme (SRSP), etc. were found working in the same village without any formal interaction and collaboration. Similarly, there was no formal coordination of these CBOs (particularly the VDCs and the WOs) with the local governments (UCs) in the context of forest-related and other developmental activities.²³

There is potential, though: The links between UCs and VDCs/WOs exist only informally, i.e. in cases where a member of the UC is also a member of

the VDC or the WO. In such cases, the efficiency of these institutions was higher than in cases where members of the UC are not also members of the VDC or the WO. Similarly, a higher level of trust and stronger relationships in the UC were recorded in project villages where the members of the UC were also 'active' members of the VDC. This is due to the fact that the villagers then had more chances for interaction with their councillors (members of the UC), and the developmental activities carried out by the VDC were supported by the councillors. As a result, relationships and trust between the local community and the UC were better than between the local community and the state institution (DFFW).

8.6 Conclusions

A participatory approach to forest management must first analyse the power and interests of involved stakeholders before actual implementation. The difficulty is that one has to deal with both formal legal instruments and informal rules (customary practices, etc.), where unequal power relations and social conflicts are quite common. Confidence can only be built up between state actors and local people/governments if real devolution of power takes place. This means that local, clearly defined institutions are given the right to manage forests in locally defined by-laws. There must be proof that state actors help local stakeholders to enforce these regulations against the timber mafia, because in view of the influence of powerful traders and outsiders, this cannot always be done by local people alone, not even within communities, as there is an asymmetry of power. However, this would in turn necessitate that forest officials are properly paid for carrying out such difficult jobs, so that they would earn more money from doing their job than they might get from the timber mafia. In the same way, the gains for local communities, partly directly at the household level, have to be tangible in order to provide an incentive to protect the forest.

Therefore, halting the degradation of forests and improving livelihoods in these areas not only requires more decentralisation and participation on paper but also in reality, with benefits being greater than the losses and mechanisms being established to punish freeloaders on all sides. Trust between state authorities and local actors can only be built if local institutions are accorded full empowerment in the context of a participatory forest management system; building trust must also take into account the contextual considerations of local stakeholders.

Endnotes

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³ In 1969, the princely states in this region were merged with Pakistan, and around 1973, forests were declared to be protected.

⁴ Eight extension projects implemented various models of participatory forest management in upland areas of Pakistan: The Malakand/Dir Social Forestry Project (MDSFP), the Kalam Integrated Development Project (KIDP), the Siran Forest Development Project (SFDP), the Aga Khan Rural Support Programme (AKRSP) in the Northern Areas, the Suketar Watershed Management Project, the Himalayan Wildlife Project, the Himalayan Jungle Project and the Khunjerab Village Organisation.

⁵ The Government of the Netherlands, the German GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit) and the Swiss Agency for Development and Cooperation (SDC) also contributed to the project.

⁶ The empirical context of this analysis is based on a literature review and specifically on findings from research done by Shahbaz (2007) for a PhD degree and from the MSc thesis by Awais (2005).

⁷ The right-holders as recognised by forest laws are those entitled to share in timber revenues.

⁸ Source: Data collected by Shahbaz (2007), derived from 400 randomly selected households in Mansehra and Swat districts of the NWFP.

⁹ The fee that right-holders receive from the *gujjars* (nomads) for grazing their cattle is called *qalang*.

¹⁰ The general assumption that most forest resources are destroyed by local residents can thus not be supported. In fact, local people do not cut trees for economic reasons; however, they have to use a minor part of the forest resources for their survival/subsistence. This includes fuel wood, timber (for household use), pastures and fodder. Intensive use of wood as fuel for cooking and heating

houses during harsh winters was essentially due to the non-availability of alternate sources of energy (Ali et al 2006). Natural gas is not available in the mountain villages of the NWFP and the higher cost of electricity is a constraint on using it for cooking and heating. Similarly, local people cannot afford kerosene oil and liquid petroleum gas (LPG) cylinders. The winter season is very harsh, with heavy snowfall, and people have no other option except to use forest wood for cooking and heating.

- ¹¹ In most cases the adult male family members had migrated to big cities in Pakistan (mainly Karachi) or to foreign countries (mostly Saudi Arabia and the Gulf states) to earn a living; most of these migrants have low-paying jobs such as bus conductors/drivers, labourers, etc.
- ¹² Source: Data collected by Shahbaz (2007), derived from 400 randomly selected households in Mansehra and Swat districts of the NWFP.
- ¹³ Source: Data collected by Shahbaz (2007), derived from 400 randomly selected households in Mansehra and Swat districts of the NWFP.
- ¹⁴ This refers to a network of people established with the single purpose of making money from cutting and selling timber illegally. This nexus emerged through the use of certain practices such as networking, bribing, blackmailing, buying royalties, as well as exporting local timber and importing 'foreignised' timber (Geiser 2000).
- ¹⁵ The villages where the Forestry Sector Project (FSP) intervened and the decentralised (or participatory) forest management system was implemented.
- ¹⁶ Source: Government of NWFP 2001.
- ¹⁷ Insignificant efforts have been made so far regarding women's rights and gender mainstreaming in the province. In the context of the FSP, there is a lack of female social organisers. Even in some areas where the Department of Forests, Fisheries and Wildlife (DFFW) had acquired the services of female social organisers or female forestry extensionists, these members rarely visited remote mountainous villages.
- ¹⁸ There are also some district-level NGOs (e.g. Hujrah in Swat district and Haasshar in Mansehra district) working for capacity building and community organisation regarding natural resource management in the upland areas of the NWFP with the support of international donor agencies.
- ¹⁹ On 24 August 2002, General Musharraf issued the Legal Framework Order, announcing general elections to be held in October 2002. Various constitutional provisions were amended through this ordinance.
- ²⁰ This confirms Steimann's hypothesis (2004) that community-based organisations are gradually replacing the practical use of the *jirga*.
- ²¹ Similarly *Tablighees* (preachers) go from home to home, knock on doors and invite people to listen to them. They use both punishment and reward techniques, including the fear of hell and punishment after death and the incentives of going to heaven and reaping otherworldly rewards. They motivate people to join them in their task of inviting other people to obey God by doing good deeds and avoiding bad deeds. Their approach is mainly religious and does not cover overall societal development. The *Pirs* (spiritual leaders) belong to the Sufi school of thought in Islam and address the spiritual problems of the people. Their followers include mainly poor, illiterate and orthodox people. These followers obey the orders of the *Pirs* in order to please them.
- ²² Despite the facts that the religious groups have deep roots in the socio-cultural setting of the rural NWFP and that the then provincial government was also composed of an alliance of various religious parties and groups, there was not much deliberation regarding the involvement of such groups in institutional reform processes.
- ²³ According to the devolution plan, the local governments have modest influence on forestry-related activities.

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9 **State, Politics and Civil Society: A Note on the Experience of Kerala**

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Abstract

This paper discusses the historical experience with civil society and decentralisation in the State of Kerala, India. The paper tries to address three separate, but related, questions: firstly, what conclusions can we draw from the literature on the conditions for the success of civil society organisations in social transformation? Secondly, what are the lessons that the history of Kerala provides on the potential and role of social movements in the development process? Thirdly, how has the interface between civil society organisations and democratically elected institutions changed with the increased decentralisation of power to local people in Kerala? While we draw liberally from the published literature on Kerala's history for the historical discussion, we also make use of data from a field survey in rural Kerala for the contemporary discussion. We try to delineate certain conditions under which institutions of civil society can play a useful role in a democratised local environment. Our analysis presents interesting evidence on the effects of increased democratisation of society in general on the functioning of civil society institutions. We argue that the deepening of democracy in rural Kerala was brought about primarily through the strengthening of class- and mass-based associational networks. This necessitated a weakening of existing 'undemocratic' associational networks. Further, what was important was not the density of associational networks as such, but the extent to which these associations furthered democratisation and tackled issues of power relations, and the ways in which the networks were structured to politically advance the demands of the weak.

Keywords: Kerala; politics; civil society; decentralisation; public action; social capital.

9.1 Introduction

The editors of this volume asked us to explore the links between decentralisation and social movements. Within this framework, the editors defined social movements in the following way: “social groups which are internally defined by sharing common values and beliefs”, with “low degrees of formalisation of decision-making and action-taking”, that have “low preference to non-violent forms of action” and that consciously keep a distance from “more formalised representations of society such as political parties, private or public corporations, formalised religious organisations etc.”. The idea of *social movements* put forward in this definition corresponds closely to what could be called the idea of civil society, in the sense in which it is defined today in dominant writings. According to one such definition, civil society is

the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women’s organisations, faith-based organisations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups. (LSE 2004, emphasis ours)³

It follows that a discussion on the relevance of the concept of social movements has to be conducted within the larger debate on the relevance of the concept of civil society. With its contours marked thus, the present paper examines the relationship between civil society, state and politics in the context of both historical and contemporary evidence from Kerala. While we glean the historical evidence from the published literature on Kerala’s history, we base the contemporary evidence on information collected during a field survey in rural Kerala. Our analysis leads to interesting conclusions on the effects of increased democratisation of society on the functioning of civil society institutions. Given the dynamics of institutional responses, we delineate certain conditions under which institutions of civil society can

play a useful role in a democratised local environment. An effort is made to answer three specific questions:

- Firstly, given that social movements are components of what are called ‘civil society’ institutions, what conclusions can we draw from the literature as to the conditions for the success of civil society organisations in social transformation?
- Secondly, what are the lessons that the history of Kerala provides about the potential and role of social movements in the development process?
- Thirdly, how has the interface between civil society organisations and democratically elected institutions changed with the increased devolution of power to local people in Kerala?

9.2 The role of civil society actors in development

The anatomy of civil society is to be sought in political economy.

Karl Marx

Civil society, as the term has come to be used in academic and policy ‘discourse’ in recent years, has proven to be quite a tricky concept. The definition by the London School of Economics (LSE) quoted by us in the introduction is an attempt at a reasonable definition; civil society, thus, refers to that sphere of voluntary association in society in between the state on one side and family and kinship groups on the other. According to this definition, civil society should include political parties and organisations as well, but more recently, there has been an attempt to delink them; ‘civil society’ and ‘political society’ are seen as separate entities.

9.2.1 Understanding civil society: Smith, Hegel, Marx and Gramsci

The term civil society has been in use in social sciences for over two centuries. In the 19th century, the concept could be found in the works of scholars like Adam Smith, Georg Wilhelm Friedrich Hegel and Karl Marx. It is important to note here that the way these scholars understood civil society was very different from the way it is understood today. For Adam Smith, civil society was the economic sphere of the free market; the “market-organised

sphere of necessity which is driven by the self-interested motion of individual proprietors” (Ehrenberg 1998). Indeed, this was how civil society was theorised in the works of most classical liberal writers, who were driven by their great faith in the ability of the market to efficiently allocate resources in the economy.

Hegel and Marx tried to understand civil society in the broader context of its functioning in capitalist society. Thus, in the writings of Hegel and Marx, there was a partial equivalence of the concepts of “civil society” and “bourgeois society”. Hegel wrote that “the creation of civil society is the achievement of the modern world” (cited in Smith 1996) and that people’s participation in civil society is driven by their need to protect their power and property in the capitalist economy. He identified and expressed the problem in these terms: “How are Ethical Life (*Sittlichkeit*), or Community (*Gemeinde*), to be reconciled with private property, which sets individuals and classes against each other?” (ibid.). Nevertheless, Hegel was optimistic in his belief that interventions of the state can effectively address the contradictions in civil society.

Marx, however, rejected this optimism of Hegel and argued that the state can never function independent of civil society under capitalism (and this is where he mainly differed from Hegel). For Marx, the state in a capitalist society was a “false universal” (Ehrenberg 1998) and it was “a dependent element of a total social process” (Bottomore 1979, p 9). Marx wrote that “civil society embraces the whole material intercourse of individuals within a definite stage of the development of productive forces. It embraces the whole commercial and industrial life of [that] given stage” (Marx 1845). Thus, civil society for Marx was a representation of the fully advanced capitalist society with all its exploitative features, stratifications, inequalities and power structures. He argued that the possibilities of emancipation lay in the “formulation of (...) a class of civil society which is not a class of civil society”.⁴

In the 20th century, the concept of civil society appeared predominantly in the writings of Antonio Gramsci. Gramsci’s views on civil society were significantly influenced by the sufferings inflicted by Mussolini-led fascism in Italy in the early part of the 20th century. Italian fascism, which attacked the working class movement and weakened all forms of political struggles, was a child of Italy’s civil society (see Putzel 1997). In his writings, Gramsci identified

two major super-structural 'levels': the one that can be called 'civil society', that is the ensemble of organisms commonly called 'private', and that of 'political society' or 'the State'. These two levels correspond on the one hand to the function of 'hegemony' which the dominant group exercises throughout society and on the other hand to that of 'direct domination' or command exercised through the State and 'juridical' government.⁵

Thus, in Gramsci's view, civil society was the "hegemonic apparatus of the ruling group" in modern capitalist society. It was the arena where the production of consent for the projects of the capitalist state took place, the domain of cultural and ideological practices where the tools of oppression by the dominant classes and the capitalist state were legitimised (Chandhoke 1995). Chandhoke (1995) explains Gramsci's distinction between political and civil societies as the distinction between sites and forms of power. She notes that

political society is the location where the coercive apparatus of the state is concentrated – in prisons, the judicial system, the armed forces and the police. Civil society is the location where the state operates to enforce invisible, intangible and subtle forms of power, through educational, cultural and religious systems and other institutions. The political society disciplines the body through its penal codes and prisons, but civil society disciplines the mind and the psyche through these institutions. (p 149)

Contrary to the more recent understandings of civil society, in Gramsci's view, *it is not the individual who is shielded from the state by civil society under capitalism, but it is the state that is shielded by civil society through the production of consent for its actions.* The individual is neither protected by the state nor by civil society; a radical democratic transformation of both the state and civil society would be required for that empowering function.

Our discussion of the views of an early, classical liberal writer like Smith and those of Hegel, Marx and Gramsci helps us to place the current debates on civil society in a proper perspective. Classical liberal political economists understood civil society as the economic sphere, and they demanded the autonomy of civil society from the state so that a free market economy could be established based on the principles of *laissez faire*. In their analyses of civil society, however, Hegel, Marx and Gramsci developed an alterna-

tive theory of civil society in a capitalist system. They rejected the view that civil society was a homogeneous entity. Instead, they argued that civil society was a *stratified social formation* that reflected the power structures and exploitative features of the society and economy of that period. This is not to say, however, that these authors completely rejected the utility of civil society in social transformation. They considered civil society to possess significant potential, but *only when it was radically transformed and democratised internally*. This transformation required, as a precondition, the *politicisation* of civil society on progressive terms.

9.2.2 Civil society in the contemporary discourse

In recent years, the concept of civil society has made a powerful comeback to the social science discourse. However, what is notable is that this return has been on a totally different note and in a very different context. Under this new discourse, encouraged by international funding agencies and organisations like the World Bank, ‘promoting civil society’ has become the new buzzword in development policy. One set of scholars have even concluded that civil society (and social capital, in particular) was the “missing link” in development policy (Grootaert 1998). Once social capital was invested in and promoted, an important barrier to growth and development in developing countries could be overcome. Non-governmental organisations (NGOs) are now seen to be the central agents in governance and development policy.

This new understanding of civil society and the importance that it has attained in development discussions is, in large measure, a fallout of the neo-liberal economic policies that have followed the Washington Consensus: privatisation, denationalisation, stabilisation and structural adjustment. The increased role of NGOs in the provision of services is seen as an important element in the privatisation of state services. In other words, *civil society is looked upon as the ideal mechanism to fill the vacuum created by the withdrawal of the state from the provision of public services*. The immense popularity of this new exposition is due to the fact that it has served many interests at the same time. The NGOs have welcomed it because it opens up immense opportunities for their activities at a time when the state, which has ‘failed’ in providing essential services to citizens, is on the retreat. To the mainstream liberal economists, in the new schema that combines market economics and liberal democratic politics, NGOs appear as market-based actors “placed (...) in a central position as components of civil society” (Edwards and Hulme 1995).

It would appear from the celebration of this concept that suddenly a ‘consensus’ has developed among everybody on what civil society means, constitutes and can contribute to development policy. But this ‘consensus’ is probably the problem, as Chandhoke (2003, pp 27–28) notes:

When concepts become consensual, they become problematic. When a variety of dissimilar groups, such as international funding agencies, non-governmental organisations (NGOs) and institutions of the state on the one hand, and left liberals, trade unions and social movements on the other, subscribe equally to the validity of the concept, it is time to worry. For if groups who would otherwise be disagreeing on the concept come to agree to it, it means that the concept has been flattened to such an alarming extent that it has lost its credibility. In other words, the concept of civil society has become flaccid through consensus.

The problems with the new understanding of the concept of civil society are numerous. Firstly, civil society here is understood as a very homogeneous sphere and not as a sphere where strong power structures exist and operate to suit the interests of the dominant classes. Harriss (2001, p 121) notes that the fact “that civil society exists in a field of power (...) hardly seems to cross the minds of those who wish to see the space of civil society expanded, and that of the state (...) reduced”. Without an adequate understanding of power relations in society, the objective of ‘promoting civil society’ can only lead to a reinforcement of the existing power hierarchies and the increased marginalisation and exclusion of the less powerful and property-less classes from the process of development. As Chandhoke (1995) puts it, the space of civil society “cannot become public in conditions where the individual is socially unequal and culturally marginalised, edged out ideologically and deprived politically” (p 199). It should then not be surprising at all that this ignorance of power relations can lead to extremely reactionary policy suggestions; Swaminathan Aiyar, an economic journalist in India, wrote recently that

caste loyalty is often the strongest of all community loyalties (...) It seems to me that if social capital lies mainly in caste groups in villages, we must encourage self-help groups based on caste and provide these with financial and technical resources. In effect, we need caste-based development schemes. (Aiyar 2000)

Let a thousand castes bloom, Aiyar seems to advise!

Promotion of civil society can also give rise to new forms of exclusion of citizens from the development process, as for instance through the market. As mentioned above, the new conception of civil society has gone hand in hand with the emergence of free market policies and the retreat of the state from its welfare obligations. The market is always an important instrument of exclusion; only the 'fittest' survive in the market. Scholars have shown that exclusion may also go hand in hand with the promotion of social capital (as part of promoting civil society). Harriss and de Renzio (1997) point out that if the concept of social capital was accepted uncritically, then one would be justified in saying that "social capital for some implies social exclusion for others" (p 926). In fact, serious questions have been raised on whether social capital could be seen as 'capital' at all. Fine (2001) has strongly criticised this line of argument and has noted that

any use of the term social capital is an implicit acceptance of the stance of mainstream economics in which capital is first and foremost a set of asocial endowments possessed by individuals rather than, for example, an exploitative relation between classes and broader social relations that sustain them. (p 38)

Secondly, there is a neat exclusion of politics from the new discourse. According to Harriss, the new ideas on the promotion of civil society are "deceptively attractive" because they are used to "veil the nature and effects of power, and (...) they hold out the prospects of democracy (...) without the inconveniences of contestational politics and of the conflicts of ideas and interests that are an essential part of democracy" (2001, p 120). It specifically excludes any role for political parties.⁶ Chandhoke argues that as a result, "civil society becomes a neutralised space, it neutralises those forms of politics which are outside the stipulated limits, or those which question the composition of the sphere" (1995, p 187). The components of civil society in this new understanding do not include political organisations (political parties and trade unions), but comprise different types of NGOs, reading clubs and sports clubs. Sangeeta Kamat (2002), in a detailed case study of an NGO (Sansad/Sanghatna) working among a tribal community in rural India, has shown how the "depoliticisation" of its activities (by taking the existing political environment as 'given' and not challenging it) affected the outcomes of its efforts. A review of the book notes that

[t]he exclusion of politics from development activities meant that the Sansad/Sanghatna could not support the Adivasis in class struggle over central issues such as land redistribution, fair working relations and wages, and struggles over forests and forest products, water and all elements pertaining to the forces of production and reproduction. Instead, the organisation posed the problem as one of class position, which could be transformed through addressing 'needs' and 'absences' without addressing the social forces that shaped them (...) The result was to foster the values of economic rationality, which compete with collective identity, solidarity and collective struggle. (Faust and Nagar 2004)⁷

Thirdly, the new discourse that places NGOs at the centre of development policy does not consider the question of accountability of NGOs. NGOs are often seen as the 'magic bullets' in development policy. However, scholars who have carefully observed the emergence of NGOs have noted that "there is increasing evidence that NGOs and grassroots organisations do not perform as effectively as (...) assumed in terms of poverty-reach, cost-effectiveness, sustainability, popular participation (including gender), flexibility and innovation" (Edwards and Hulme 1995, p 6).

The question then is how the actions of NGOs, voluntary associations and other local-level initiatives can be incorporated into the democratic apparatus of state supervision and regulation, but without interfering with their autonomy in decision-making. We wish to discuss this issue at two levels – historical and contemporary – using evidence from the State of Kerala. The discussion on the historical evolution of social movements in Kerala (section 9.3) provides valuable insights into the potential and limitations of social movements. The discussion on the contemporary situation (section 9.4) directly addresses one of the questions that the editors of this volume put to us:

Can decentralisation contribute to reducing the lack of legitimacy of the state without being able to productively interact with local and regional forms of governance, e.g. as represented by social movements, beyond conventional models of representative democracy at local level (decentralisation)?

9.3 Social movements in Kerala's history: Potentials and limitations

The development experience of the State of Kerala, India, in advancing the living and working conditions of its population is well documented (see Ramachandran 1996; CDS 1975). Today, the people of Kerala enjoy a much higher standard of living than other regions in the Third World; some of the achievements of Kerala are even comparable to those of the advanced developed economies. The Infant Mortality Rate (IMR) in Kerala in 2001 was 13 per 1000 live births, vis-à-vis 66 for India as a whole. The Maternal Mortality Rate (MMR) per 100,000 live births was 198 for Kerala and 407 for India as a whole in 2001. The average life expectancy of a Keralite was 73 years, while that of an Indian was only 61 years. Literacy in Kerala is almost universal with a rate of 91% compared to 65% in India as a whole.

There is consensus among social scientists that the achievements of Kerala were possible due to sustained public action from above and below. Public action in Kerala included a wide range of actors and factors: state policy in the princely states of Travancore and Cochin in the 19th century, missionary activity in the 19th century, caste-based social reform movements in the early part of the 20th century, the emergence of Left-led mass organisations (such as trade unions) and the formation of the Communist Party of India by the 1930s, as well as progressive state policy after 1956/57 when the State of Kerala was formed. What is remarkable in the history of Kerala is that the agents who contributed to enhancing the living conditions of people belong to all the three classifications of social agents that some social scientists have recently identified: the state, political society and civil society.

The foundations of Kerala's development achievements were laid by social reform movements. Social reform movements of the early 20th century in Kerala questioned the traditional values and attitudes that tied different castes to very backward conditions of life. As Chandramohan (1999) wrote of 19th-century Kerala, "the rules and regulations of caste [had] hampered social mobility, fostered social division and sapped individual initiative" (p 470). Social reform movements opposed archaic social practices such as untouchability, denial of access to educational institutions and outdated caste rules regarding inheritance, marriage and other forms of family organisation. These movements also pushed for state intervention in ensuring adequate representation in public institutions like the provincial government. Reform movements emerged from the upper caste groups as well as the so-

called backward caste groups, and this helped to broaden the social base of the impacts of these movements.

In this section, we shall focus on the historical role, potential and limitations of social movements in contributing to the development achievements of Kerala. In doing so, owing to restrictions of space, we have focused on the most important social movement in Kerala: the Ezhava Social Reform Movement (ESRM) of the first half of the 20th century. We shall review, based on authoritative studies of the movement, the role that the ESRM played in the early 20th century, its stated objectives, the extent of success it achieved, its failure to carry forward its demands beyond a point, and the factors leading to its organisational and ideological disintegration by the 1940s (see Chandramohan 1999; Ramachandran 1996; Isaac and Tharakan 1986).

9.3.1 The case of the Ezhava Social Reform Movement (ESRM)

The Ezhava Social Reform Movement [was] the most sweeping mass movement that Travancore had known.

Isaac and Tharakan (1986, p 2)

Till the middle of the 20th century, Kerala was marked by the presence of an extremely oppressive agrarian regime. Slavery and bonded labour, untouchability among caste groups, rack-renting of tenants and other extreme forms of social and economic discrimination characterised this oppressive agrarian regime. A general feature of Kerala society at that time was the close correspondence between the categories of *class* and *caste*, as illustrated in Table 1. Landlords, the big cultivators and the local chieftains belonged to the upper caste groups of Nairs and Brahmins. Marginal farmers, landless agricultural labourers and artisans belonged to the backward caste groups of Ezhavas, Pulayas, Parayas and Cherumars, all of which did not form part of the caste Hindu framework. Thus, the Ezhavas of Kerala were historically outside the caste Hindu framework.

Between the caste groups outside the caste Hindu framework, too, there were clear boundaries. In the caste hierarchy, Ezhavas were placed above the traditional slave castes (such as the Pulayas, Parayas and Cherumars) in terms of ritual status. Nevertheless, Isaac and Tharakan (1986, p 4) note that “Ezhavas held a position closer to the lowest in economic and social hierarchy”.

Table 1

Caste and class correlations in Kerala society in the 19 th century.	Positions/Occupations	Privileges/Duties	Caste group
	(a) Priests, rulers and administrative officials	Had <i>janmom</i> (ownership) rights to land	Brahmins and aristocratic Nairs/Nambiars
	(b) Militia/Chieftains in charge of law and order, petty officials	Had <i>kanom</i> (superior lease) rights to land	Nairs/Nambiars
	(c) Petty producers, traders, artisans and dry land labourers	Had <i>verumpattom</i> (inferior lease) rights to land	Non-aristocratic Nairs/Nambiars, Ezhavas, Christians and Muslims
Source: Adapted from Isaac and Tharakan (1986, p 5).	(d) Wetland labourers	Agricultural labour	Ezhavas, Pulayars, Parayars and Cherumars

Members of the Ezhava caste, like those below them in the caste hierarchy, had severely restricted access to public places, were prohibited from entering temples, bathing in temple ponds, walking on public roads and enrolling in the mainstream educational institutions. During local festivals, Ezhavas were asked to vacate their houses situated on the side of the roads through which the temple processions with the deity passed; it was argued that they would pollute the procession. Palpu, a leader of the Ezhava community in the 20th century, wrote to Mahatma Gandhi in 1925 that “to walk through the public road is [a right] that even dogs and pigs enjoy everywhere without having to offer any *satyagraha* [agitation] at all” (cited in Chandramohan 1999, p 474).

Primarily, Ezhavas were small peasants, agricultural labourers, processors of coconut and coconut products, and sellers of *toddy* and *arrack*. It was this diverse occupational profile of Ezhavas that provided “a springboard for the economic advancement of some members of the caste” in the late 19th century (Ramachandran 1996, p 306). In the second half of the 19th century, plantation agriculture emerged in the hilly regions, agrarian legislation that favoured backward castes by enabling them to hold government land on superior leases was passed and the old estates held by upper caste Nairs and Brahmins started breaking up due to changes in family organisation (see Ramachandran 1996; Isaac and Tharakan 1986). At the same time, traditional Ezhava occupations, such as coir-making, coconut trade, trade in other coconut products, sales of *toddy* and *arrack* and drawing of toddy, received a boost from the commercialisation and capitalist development of agriculture in Travancore. Tharakan (1999) noted that “when the demand for

coconut oil and *coir* products increased and uses other than the traditional were found, the price of coconut rose relative even to *paddy*; and coconut cultivation became the basis for a variety of processing industries as also for a wide range of trading activity” (p 375).

The expansion in trade and commercialisation brought benefits for some sections of the Ezhava caste that were not in conformity with their low social status in caste-ridden Kerala society. With the expansion of the market for coconut products, one section of Ezhavas became small-scale capitalists and traders (Isaac and Tharakan 1986). Another section of Ezhavas was able to invest the capital earned from the expanding commerce in accumulation of land, aided by the changes in laws on land holding. Yet another section of Ezhavas, comprising artisans, became leaders in the boatmen’s trade when water transport increased in importance with commerce (*ibid.*). All these factors led to a rise in aspirations among the prospering members of the Ezhava community. This desire for social mobility became a driving force in the formal organisation of the community in the early 20th century.

The ESRM emerged as a result of the need among the elite in the Ezhava community to undermine the “undemocratic and feudal values of tradition” (Chandramohan 1999). The emergence of an elite class within Ezhavas and the ways in which this phenomenon drove the growth of the ESRM are discussed in detail in Isaac and Tharakan (1986, pp 1–2):

The emergence of a middle class from among the Ezhavas [had] its manifold repercussions on the caste-based social structure of traditional society (...) The development of this new class did not conform to the social reality of Ezhavas in Kerala society. The inferior social status that the emerging middle class was assigned to by the conventional caste hierarchy no more accorded with their new economic power. The traditional social structures and customs within as well as outside their own caste had become barriers to the further development of this middle class. It was in this context that the ESRM emerged. (emphasis ours)

The ESRM was led by a formal organisation called the Sree Narayana Dharma Paripalana Yogam (SNDP). The activities of the SNDP had two dimensions (Isaac and Tharakan 1986). The first was to campaign for a change in outmoded social customs and rituals such as child marriages, puberty ceremonies and post-burial ritualistic feasts. It was clear to the emerging

elite that these rituals and ceremonies only helped to squander away the economic surpluses, and were “anachronisms in the new age where accumulation was the law of existence” (ibid., p 2). The second was the struggle to weaken the social and political factors that underpinned the low social status of Ezhavas. This objective made it necessary to challenge the domination of the upper castes in formulating the rules of social life, such as access to education, the rights to walk on public roads, to enter temples and to gain government employment.

The SNDP was formed in 1903. The ideological inspiration behind the SNDP was the teachings of Sree Narayana Guru, a saint. The Guru’s teachings became a rallying point for the divergent sections of the Ezhava community that longed for social mobility. Sree Narayana was the son of a middle peasant born into a matrilineal Ezhava family (Ramachandran 1996). Sree Narayana was a vedantic of the spiritual tradition propagated by the saint Adi Sankara, but he also adapted it to meet the needs of changing times. It may be useful to quote from Isaac and Tharakan (1986) in introducing the spiritual leanings of Sree Narayana:

Personally he would follow Sankara through the path of knowledge (Jana Marga) to self-realisation. But as for the lesser mortals, the path of devotion (Bakthi Marga) and the path of action (Karma Marga) were emphasised (...) The karma of the person was not the one laid down by the Brahminical ordering of the phenomenal world. If the ultimate reality is Brahma, the one beyond all distinctions, then the distinctions and ethics of the phenomenal world can be changed (...) Logically, if social barriers prevented one from following his true avocation, it was his karma to fight them. (p 8)

Sree Narayana began his spiritual mission in 1888 by consecrating a Shiva temple in Aruvippuram near Trivandrum. This step was a major challenge to the dominant Hindu tradition of the day, which allowed only caste Hindus to enter and worship in temples. According to Isaac and Tharakan, “this event in 1888 was the beginning of a campaign for reforming the rituals, customs and ceremonies of the Ezhava caste to conform to the Brahminical practices” (1986, p 9). Sree Narayana went even further when he declared his personal ideology to be “One Caste, One Religion, One God for Man”, which was a radical call for social awakening in a caste-ridden society.

The moral authority of Sree Narayana acted as an enabling force for other Ezhava caste leaders like C. V. Kunjuraman, Sahodaran Aiyappan and Dr. Palpu, who were already mobilising Ezhavas against outdated social practices. It was Dr. Palpu who took the leadership role in establishing the SNDP in 1903 with Sree Narayana's teachings as the ideological basis. Palpu himself was a victim of caste discrimination in the field of education. He was ranked second in the entrance examinations to the Medical College, but was rejected as he was an Ezhava. Palpu was forced to take up his medical studies in Madras. After graduation, he was again denied a job in Travancore due to his caste status, as a result of which he was forced to work in the State of Mysore. Palpu was the third signatory of a memorandum (known as the 'Malayalee Memorial') submitted to the court of Travancore in 1891; though the Memorial was driven by the desire of Nairs to obtain government jobs hitherto predominantly held by Tamil Brahmins, it also argued for a higher level of Ezhava representation in government jobs.

Led by the SNDP, the ESRM campaigned vigorously for the rights of Ezhavas to enter temples, walk roads and attend schools, as well as to abolish untouchability. On the occasion of forming the SNDP, Palpu declared:

We are the largest Hindu community in Kerala (...) Without education no community has attained permanent civilised prosperity. In our community, there must be no man or woman without primary education. (cited in Isaac and Tharakan 1986, p 23)

The agitations of the SNDP forced the government to open up public schools to students from backward communities. In many instances, Ezhavas were attacked by the Nairs, who opposed Ezhava enrolment in schools, as in Quilon in 1903. Such violent clashes between Nairs and Ezhavas forced the government to introduce the Mitchell's Educational Code, which allowed enrolment of students from all castes to public schools (Isaac and Tharakan 1986).

Similarly, the SNDP launched a strong civil liberties movement the focus of which was on abolishing untouchability. For instance, Ezhavas in Alleppey organised themselves in a group called 'Sankranti' Pathu, which aimed at physical retaliation against upper caste members who tried to enforce untouchability (ibid.). Ezhavas also forcefully asserted their rights to wear modern clothes, umbrellas and ornaments under the broader banner of the SNDP. In order to assert their right to employment in government jobs, a

Civic Rights League was formed in 1919. The agitations of this League met with partial success when the government decided to open up jobs not related to temple administrations to backward castes.

The Civic Rights League also focused on the rights of Ezhavas to enter temples and walk on public roads. In association with the national movement, a *satyagraha* was organised in Vaikom demanding that Ezhavas be allowed access to the roads adjoining the temple in Vaikom. Widely known as the ‘Vaikom Satyagraha’, this agitation in 1923–1924 attracted nationwide attention. Volunteers from all parts of India participated in this agitation, which was broken off, having attained partial success, after a personal intervention from Mahatma Gandhi. It took a series of agitations by the SNDP after the Vaikom Satyagraha to achieve total success. A Revolutionary League was formed in Alleppey district (with a membership of 1000 people) to gain entry into a local temple, which was granted after 90 days. In some regions, a movement to boycott temples was initiated, which involved physically preventing caste Hindus from entering temples. These agitations finally forced the Travancore government to issue the ‘Temple Entry Proclamation’ of 1936, which eliminated in one stroke all caste discriminations pertaining to temple entry.

It is remarkable that the ESRM managed to instil democratic and anti-feudal values in a large community that had a very low standard of living and that was subjected to onerous forms of disadvantages. The ESRM was thus instrumental in putting social reform on a broad base in Kerala in the late 19th and early 20th centuries. However, while the above-mentioned successes of the ESRM were remarkable indeed, the spread of its benefits within the Ezhava community remained limited even in the 1930s. It is the reasons behind this limitation that inform the conclusions of this section of our article.

The development of capitalism in agriculture and commerce in the early part of the 20th century set in motion a process of social and economic differentiation within the Ezhava community. A major outcome of these changes was that the categories of caste and class ceased to be coterminous. Isaac and Tharakan (1986) write that there was an “erosion of the traditional caste–class identity in Travancore, resulting in the emergence of a bourgeois elite from the Ezhavas (...) and Christians” (p 18). This Ezhava elite was the section that had enjoyed congenial conditions for the exploitation of the opportunities thrown up by economic growth and modernisation; they were mainly small capitalists, new buyers of land, tenants with security of

tenure and traders. This elite also had, by virtue of changes in state policy, gained important posts in government. At the same time, it was also true that most Ezhavas were employed as toiling labourers in agriculture and the traditional industries like coir-making, beedi production and weaving. These traditional industries were also the sectors where the trade union movement emerged for the first time in Kerala.

Over time, the new Ezhava elite, in their role as employers, and the toiling Ezhava masses came into direct conflict with each other on issues such as working conditions and wage fixation. These conflicts posed serious challenges to the credibility of the SNDP leadership. Once the benefits of modernisation had accrued to them, the Ezhava elite began to exert pressure on the SNDP to withdraw support to the nationalist and working class movements (Isaac and Tharakan 1986). Continued confrontation with the state was not beneficial to their own interests of capital accumulation. A concerted campaign was launched within the SNDP for a change in its demands and slogans to suit elite interests. Isaac and Tharakan note that

[t]he growth of militant and radical working class movement (...) unnerved the Ezhava elite. There was strong pressure to remove C. Kesavan from the secretaryship of SNDP Yogam, as he was an 'atheist and rationalist'. The conservative sections even threatened non-cooperation if SNDP Yogam continued to participate in agitations against the government 'since most of the grievances of the community had been met'. Their concerted efforts bore fruit in 1939. SNDP Yogam withdrew from all anti-government agitations and withdrew its support to the activities of the State Congress. (1986, pp 26–27)

Thus, there developed two groups within the SNDP in the 1930s: a conservative group, which consisted of the elite and controlled the organisation, and a radical group, which consisted of the Ezhava working class and was forced to seek “new pastures being opened up by the spreading nationalist and working class movements” (ibid., p 27). The oppressed Ezhava working class increasingly sought refuge in, and was organised into, militant trade unions led by the Communist Party of India. This was the phase of radical politicisation of the Ezhava working class in Travancore.

The Ezhava employers did not want unionisation to succeed and worked against it, thus antagonising the majority of the Ezhava working class. Cher-

Cheriyian (1999) notes about the period that “the grip of caste associations was gradually loosening among the rural masses, especially owing to the increasing class contradictions, within each caste group (...) There was a realisation among them that their economic interests were directly opposed to those of their employers (...) This became very clear to them when the Ezhava employers acted in unison to prevent the spread of trade union movement in rural areas” (p 535). Cheriyian also characterises this period as one of “growing class-consciousness among the workers” (p 535). Robin Jeffrey gives an interesting example of a slogan raised during a workers’ strike in Alleppey in December 1933: “‘Destroy the Nairs!’ the workers shouted, identifying Nairs as the enforcers of the old social system. ‘Destroy Nair rule!’ Then a subtle shift: ‘Destroy Capitalism!’” (Jeffrey 1978, p 84). Similarly, the radical SNDP groups transformed Sree Narayana’s slogan of ‘One Caste, One Religion, One God for Man’ into ‘No Caste, No Religion, No God for Man’.

The flashpoint in the struggle between the radical and conservative groups in the SNDP was the 1938 general strike of coir workers in Alleppey. This strike completed the disintegration of the SNDP as an umbrella organisation of the Ezhavas. Once the strike started, the government tried to reach a compromise with the State Congress and the conservative Ezhavas. The State Congress accepted the compromise proposals of the government, and moderate Ezhava leaders persuaded the workers to withdraw from the strike. Isaac and Tharakan (1986, p 70) note that “though the workers returned to the factories, the moderate leaders were thoroughly discredited before the mass of workers”. The workers declared a break with the moderate sections and identified themselves as an “independent political force in the national struggle” in alliance with the Communist Party of India. Isaac and Tharakan (1986, p 27) sum it up as follows:

The divorce between the ESRM and the radical ideological streams emanating from Sree Narayana Guru widened (...) rendering the ESRM, particularly the SNDP Yogam, increasingly a narrow sectarian caste movement of the Ezhavas.

Thus, increased politicisation and class-consciousness among the Ezhava working class had taken them closer to the Communist Party of India by the end of the 1930s. Isaac (1994) notes that

[w]hile supporting and actively participating in the social reform movements in various communities, particularly the anti-savarna (upper caste) movements of the oppressed castes, the Communists sought to build class and mass organisations (...) irrespective of caste, and raised caste-reform slogans as part of their anti-feudal democratic struggle. The Communists carried forward the radical legacy of the social reform movements and won over a large part of the masses in these movements, while the elites within these castes began to confine themselves to sectarian demands and withdraw into casteist organisational shells. (p 28)

The development achievements of Kerala today would not have been possible if the politicisation of the social reform movements and the rise in class-consciousness of the working classes had not taken place in the 1940s. It was only due to this enlightened political agency that land reform was implemented, that there were heavy investments in education and health, and that a minimum social security system was set up for the poor population after 1956/57, when the State of Kerala was formed in independent India. This historic role could not have been played by caste-based social movements, which were ridden with class conflicts in the modern period.

While the SNDP and the ESRM effectively disintegrated in the 1940s, the SNDP as an organisation continues to exist even in 2009. Our conclusions for the 1940s hold for 2009 also. The SNDP of 2009 is led by persons who are the richest within the Ezhava community – people who became rich mainly through the liquor business and government contracts. Its major objective today is to protect and expand the business interests of its leaders. It continues to be what it was in the 1940s: a sectarian and narrow caste-based organisation.

These conclusions take us to a larger discussion on the role, potential and limitations of social movements across the world. In his important work, Bottomore (1979) argues that the histories of different countries offer two general conditions for the long-term success of social movements. Firstly, he insists that

such movements formulate a doctrine which is capable of arousing the enthusiasm and commitment to sustained political activity. The doctrine (...) has to include or be founded upon a social theory which can elucidate the principal issues, clarify the objectives and the ways of attaining them, and outline alternative forms of society. (ibid., p 47)

Secondly, Bottomore argues that

[a]t some point in its development, [social movements] must create more organised political groups, or convert or capture existing political organisations, which are able to engage directly in a struggle for power and have the capacity to use power when they have gained it in order to reconstruct society. (ibid., p 48)

Thus, Bottomore takes a clear position against anarchist forms of social movements, which are bereft of organisation, imagine that they on their own are capable of ‘turning things upside down’, and shy away from providing concrete alternatives.

Social movements and political organisations play different roles in the development process, as our Kerala case shows. Historically, these roles have been “complementary or sequential” (Karat 2004, p 1). Karat argues, based on the history of social movements, that “while the actual change and delivery of social benefits were accomplished by a political agency through political changes, the raising of the problem, the highlighting of the issue and even mobilisation of public opinion were often initiated through social movements and organisations” (ibid., p 1). In Kerala, the ESRM played a major role in highlighting the plight of Ezhavas and winning the first battles. But by the 1930s, an inevitable process of class-based social and economic differentiation necessitated the politicisation of the Ezhava community for any further gains. Such politicisation could only be achieved by a vanguard political organisation. Our conclusions from the case of the ESRM in Kerala emphasise the *primacy of politics, class relations and power* in determining the success of any social movement.

9.4 Decentralisation in Kerala and the actors of civil society: Some brief observations

People's planning is the most radical development that has taken place in Kerala since the attainment of independence, formation of the state of Kerala and land reforms.

E. M. S. Namboodiripad

The Kerala story [of decentralisation] constitutes a powerful statement (...) against the currently fashionable ideas about 'social capital' and 'civil society'.

John Harriss (2001, p 125)

Decentralisation of government (implemented in Kerala through the People's Plan Campaign [PPC]) was a major political and administrative initiative of the Left government of Kerala that began in 1996. In many ways, the PPC represented a new stage in the theory and practice of decentralisation in the developing world. Firstly, the PPC involved the historic step of devolving 35 to 40% of Kerala's plan funds to the local governments. More than three quarters of these funds was in the form of untied grants. Secondly, the local governments were to draw up plans and projects for the development of their territories using the plan funds devolved. Thirdly, a mass campaign was initiated to sustain the programme: to empower local governments to prepare plans and utilise resources, to encourage transparency and accountability in the planning process, and to institutionalise the new rules and practices of governance. The participation of all sections of the population in the *grama sabhas* (village assemblies) and other forums of the planning process transformed this process from a mere administrative exercise into a mass movement for decentralisation.

9.4.1 Kerala's PPC and the World Bank model of decentralisation

Decentralisation as implemented in Kerala is different from other mainstream initiatives on decentralisation in many ways. In particular, the PPC in Kerala stands in direct contrast with the notion of decentralisation promoted by the World Bank and other neo-liberal actors. The World Bank's position on decentralisation has indeed evolved over time; initially offering a more explicit characterisation of decentralisation as a flourishing of market-based

actors and institutions at the local level, the Bank's position has been modified into supporting decentralisation within a larger framework of improving 'governance'. It may be useful to trace this evolution here: in the *World Development Report* 1983, the World Bank argued that decentralisation "should be seen as part of a broader market-surrogate strategy" (World Bank 1983, p 123), and that the aim was "replacing the burden of central administration by decentralised market forces" (ibid., p 87). The Bank argued that "where governments are simply divesting themselves of activities that they cannot manage, the transfer of ownership [i.e. privatisation] itself confers the autonomy that is needed to make decentralisation work" (p 88). The Bank also noted that

[d]ecentralising is not solely a matter of involving a wider range of people in discharging the responsibilities of the public sector. Governments (...) can also make greater use of markets and prices, since they avoid the heavy administrative requirements of centralised planning controls. While greater reliance on markets may appear to carry risks, many governments have learned that their own interventions can easily misfire (...) The practical advantage of relying more on markets is that the public sector can then concentrate on improvements in those activities for which market solutions are inappropriate. (World Bank 1983, p 5)

Thus, the World Bank integrated decentralisation into the policy framework of *laissez faire* economics. The Bank noted that "the participation of local businesses can also play a crucial role in decentralisation, shaping incentives at the local level" (ibid., p 123). Thus, the concept of firm-level decentralisation was given more importance than that of government-level decentralisation (see Patnaik 2000). At the level of the firm (or any production unit), decentralisation was premised up on the neo-classical assumption that when every firm in an economy maximises its returns (or functions efficiently), the economy as a whole also reaches an efficient equilibrium. The World Bank view of decentralisation involved firm-level decentralisation (to be attained through privatisation, deregulation and denationalisation) complementing government-level decentralisation so that every firm in the economy could attain efficiency. Actors in civil society that are primarily market-based, especially NGOs, figured prominently among 'firms' encouraged by the PPC at the local level.

The idea of firm-level decentralisation is theoretically misplaced. Prabhat Patnaik has argued that firm-level and government-level decentralisation contradict each other as firm-level decentralisation actually “emasculates decentralised planning and makes government-level decentralisation vacuous” (Patnaik 2000, p 10). According to him, “decentralised decision-making, even when informed by individual ‘rationality’, is fundamentally ‘irrational’ because the units are in reality not separable from one another” (ibid., p 2). Every economic decision taken by a firm affects other firms as well. Due to this inter-related nature of firm-level actions and outcomes, the final outcome would be irrational for all the firms although each firm would have acted rationally. This fallacy of firm-level decentralisation could be corrected (in other words, a more rational outcome could be ensured for all firms together) if every firm colluded with every other firm or if the state intervened through economic planning. The former being a remote possibility, the latter emerges as the only possible solution.

In the 1990s, the World Bank’s position on civil society came to be subsumed under the more encompassing slogan of ‘improving governance’. It is notable that this new position does not differ in substance from the Bank’s earlier position. Rob Jenkins (2001) notes that the operationalisation of the idea of good governance has included a whole package: “Restructuring state bureaucracies, reforming legal systems, supporting democratic decentralisation and creating accountability-enhancing civil societies” (p 23). In practice, nevertheless, “governance has come to be associated with institutions designed to support market-led development” (ibid.). Jenkins (2006, pp 250–251) notes that the World Bank’s encouragement of civil society in Africa is “nothing less than a backdoor attempt to transform African societies *from the ground up* [to] perform the roles assigned to them in liberal political theory and neo-liberal economic policy”.⁸ This new concept of civil society has been put to use for different purposes in the developing world by the World Bank, aid organisations like the United States Agency for International Development (USAID) and Western governments: to speed up neo-liberal reforms, topple democratically elected governments and weaken governments with an avowed anti-imperialist agenda. Indeed, it was no coincidence that the fresh wave of popularity for the idea of ‘civil society’ in the 1990s began with the promotion of the Solidarity movement in Poland.

The PPC in Kerala, primarily representing government-level decentralisation, was far from corresponding to the model of decentralisation promoted by the World Bank or USAID. In fact, the PPC was an effort at strengthening

the state to improve its capability to provide basic services to its citizens. Thomas Isaac, one of the architects of the PPC, has noted:

There are four points on which the People's Plan Campaign differed from the World Bank design. One, for the World Bank, decentralisation is a part of downsizing the state. For People's Planning it is a question of deepening and widening the state. We had taken the state, which used to be confined at the local level in a village office, to the grama sabha, the neighbourhood groups and the households. Secondly, for the World Bank decentralisation is a first step in a series – they call it deconcentration, devolution and, ultimately, privatisation – wherein, they claim, power will reach each individual (...) On the other hand, for the People's Plan Campaign, the central fulcrum around which the whole programme revolves is local-level planning (...) There is a social regulation by the community of the market forces to the extent possible. Thirdly, to the World Bank decentralisation is an instrument to pass the burden of government responsibilities to the community. Through the People's Plan Campaign, along with the transfer of responsibility, proportionate transfer of the funds of the government also takes place (...) Finally, when the World Bank speaks about participatory development, it means the participation of NGOs (...) For them civil society is to be moulded by the NGOs. For the People's Plan, more than the NGOs or even individual citizens, the focus was upon the participation of mass and class organisations. (Isaac 2003)

9.4.2 The PPC and the response of civil society actors

In this sub-section, we are concerned with the last point of Thomas Isaac's as noted above. We shall briefly discuss the ways in which the increased democratisation of rural life heralded by Kerala's PPC transformed the social setting in which civil society actors functioned in our study area. As we shall see, this democratisation forced a change in the developmental stance of many NGOs and led them to increasingly integrate their activities with elected people's bodies and other mass organisations at the local level.

Panchayats (local governments) are, of course, part of the state itself. Strengthening the *panchayat* system is equivalent to strengthening the state as an institution. Thus, decentralisation in Kerala after 1996 was an effort at strengthening the state as an institution. Like any other development effort

in Kerala's history, the PPC was an outcome, and also an instrument, of public action. Public action in Kerala historically involved actions from above and below. Public action from above consisted of legislative and enabling actions of the state. Public action from below consisted of a diverse set of actions: social reform movements for reforming archaic practices within castes, peasant struggles against oppressive landlordism and for land reform, struggles of labourers for better wages and working conditions, struggles for literacy, schooling and health care, and struggles for social security. These movements were *political* in the nature of their demands, and their success lay in challenging the hierarchies of power in their contemporary societies. An important feature of public action after the formation of the State of Kerala in 1956/57 was that it aimed to force the state to act in favour of the poor. Public action in Kerala was thus characterised by efforts to strengthen, and raise the legitimacy of, the state.

The aim of the PPC with respect to the NGOs was the streamlining of their activities and their linkage to the larger process of local-level planning. This was considered necessary in order to avoid duplication in the allocation of resources in the social sector as well as to ensure integration of local-level activities. For instance, the existence of two parallel schemes for the distribution of plant seedlings by a *panchayat* as well as an NGO undermines the objectives of both schemes and results in wastage of funds. *This is where coordination among different agencies and the integration of plans becomes necessary.* The planning process of the decentralised local bodies aimed to achieve such coordination. A request was made to all the leading NGOs in Kerala to reduce independent and parallel initiatives and try to link them as much as possible with the *panchayat* planning process.

Until the initiation of the PPC, state activities (such as the implementation of poverty alleviation schemes) were mainly of a top-down nature. Such top-down and bureaucratic planning and implementation had rendered these schemes ineffective in terms of their reach and targeting. In this setting, activities of different types of NGOs in the social sector flourished. In particular, NGOs led by different social groupings – religious as well as caste organisations – were formed in large numbers. These religious and caste organisations had a few characteristics in common: firstly, their work was largely devoid of politics and they were opposed to all forms of organised political practice; secondly, these organisations were led by the elite and the powerful in the respective religion or caste; and thirdly, in spite of being led by the elite, the survival of these organisations was based on the strength of

the associational networks that existed between members of the same religion or caste. To restate the last point using the terminology of some of the studies we reviewed, these organisations survived on the basis of religion-based or caste-based *social capital*.

In our study area of Upputhara, the major NGOs were affiliated to either religious groups or caste organisations.⁹ Among religious groups, the Catholic Church played a major role in forming a number of NGOs in the sphere of social work. Among caste organisations, the SNDP and the Nair Service Society (NSS) were active in Upputhara. Of course, in the Catholic Church, SNDP and NSS, membership was limited to people of the corresponding religion or caste. The success of their activities was mainly due to the associational ties that existed between members of these religions and castes.

The introduction of the PPC in 1996/97 ‘disturbed’ the social environment in which religious and caste organisations functioned. Given the large amount of untied grants to the *panchayats*, and the flourish in social sector schemes that were conceived, planned and implemented at the local level, the nature of the relationship between the people and the state changed significantly.¹⁰ The benefits of deepened democracy at the local level, achieved through the strengthening of the state, upset the sphere of free play that the religious and caste organisations had enjoyed previously. As Thomas Isaac noted:

In People’s Planning, one objective was to transform the panchayats from mere low-level government structures into a structure where people could directly participate and to that extent develop an organic link with civil society. The campaign consciously attempted to create new civic organisations such as the neighbourhood groups, monitoring committees, beneficiary committees and so on, so that the Chinese Wall between civil society and the state is broken. Many NGOs felt their space was being encroached upon. (Isaac 2003)

The religious and caste organisations feared that the associational networks that they had been able to exploit until then would be weakened through the deepening of local democracy. Processes of deepening democracy, while forging new forms of associational networks, always weaken existing associational networks. An important conclusion to be drawn from studies that have critically looked at the concept of social capital is that “associations do not appear to promote democratic processes so much as to be their conse-

quence, and these same democratic processes tend to erode existing forms of collective action” (Mosse 2006, p 714). Drawing from his fieldwork in south India, Mosse also noted that “indeed, [earlier] associations may use non-democratic means and seek to manipulate an existing personalised order of hierarchy and patronage” (ibid., p 717). Mosse’s conclusion was that it is not the density of networks that matters, but the “power and reach” of these networks. In Upputhara, the earlier networks of caste and religion were at threat given the mass success of the PPC.

We shall, at this point, offer two illustrations from our study area of Upputhara that support the arguments we made above. The first illustration refers to the implementation of a watershed-based development scheme and the second refers to the policy on micro-credit provision during the PPC.

(a) Western Ghat Development Scheme and NGOs

The Western Ghat Development Scheme (WGDS) is a scheme launched in 1974 and sponsored by the Ministry of Rural Areas and Employment of the Government of India.¹¹ The WGDS aims at an integrated development of the Western Ghat region, to which Upputhara belongs.¹² The Western Ghat region has sensitive environmental and ecological features owing to its topographical specificities and the large areas of tropical forest that it includes. The WGDS was initiated to address the major environmental problems the region faced: deforestation, landslides, soil erosion and water erosion.

While different sub-schemes under the WGDS were implemented in Upputhara *panchayat* from 1974, it was only from 2000/01 that major investments were made under the scheme. In 2000/01, the government decided to undertake development activities under the WGDS based on watershed-based development plans. In Upputhara, five micro-watersheds were identified under the scheme. The Mattuthaavalam ward of the *panchayat* that we surveyed belongs almost completely to the catchment area of one of these micro-watersheds.

The activities undertaken within the scope of the watershed-based projects of the WGDS aimed at reducing the intensity of soil and water erosion and at developing agriculture. Farmers were given subsidies to build structures of soil and water conservation (such as stone bunds, earthen bunds, trenches and rainwater harvesters), organise the stabilisation of stream banks and renovate springs. These schemes for soil and water conservation were combined with schemes for improvement of agriculture, such as assistance for

livestock rearing and purchase, distribution of seedlings and manure, and installation of vermi-compost units.

In 2000/01 and 2001/02, the government designated the Peermade Development Society (PDS), an NGO, as the implementing agency of the WGDS. The PDS was the social service unit of the Kanjirapally Diocese of the Roman Catholic Church. In 2002/03, Upputhara *panchayat* and the *Krishi Bhavan* (the agricultural office of the state in the *panchayat*) were designated as the new implementing agencies, with only technical assistance sought from the PDS as and when required. We observed that there were major changes in the implementation of the WGDS when the responsibility shifted from the PDS to the *panchayat* and the *Krishi Bhavan*.

Firstly, there was more transparency in the execution of the scheme. Before the *panchayat* took over the implementation, a Watershed Committee of five members ran the scheme. One member was a representative of the PDS and the other four members were nominated from four regions in the catchment area of the watershed. After the *panchayat* became the implementing agency, the Watershed Committee was expanded to include 24 members. This new committee included five representatives of self-help groups (SHGs), nine farmer representatives selected from different land-size classes, all the elected ward representatives under the watershed, the *panchayat* President (Chairman), the local Agricultural Officer (Convenor) and three representatives from NGOs.

Secondly, the selection of the beneficiaries of the scheme became a more democratic process after the *panchayat* had taken over. The beneficiaries had earlier been decided by the PDS after the Watershed Committee had collected applications from the people. There were complaints from farmers that there had been no proper announcements regarding the invitation of applications. The announcements had allegedly been made selectively in SHGs working under the PDS and during functions of the Catholic Church (as the PDS was controlled by the Church). These farmers also told us that in the first two years, this scheme was actually thought to have been a programme of the PDS, and not of the government. However, once the *panchayat* had taken over, beneficiaries were selected in *grama sabhas*, in which all households in the catchment area of the watershed participated; announcements for these meetings were made in every SHG meeting as well as through posters in the *panchayat*, the *Krishi Bhavan* and the offices of farmers' organisations. It was widely felt that it was only after the *panchayat* had taken over that the selection of beneficiaries was no longer cause for complaint.

Thirdly, the type of schemes implemented by the *panchayat* reflected the needs of the beneficiaries more than before. When the PDS was the implementing agency, the schemes were just reported to the Watershed Committee; the Committee had no power to change the type of schemes to suit local requirements better. With the *panchayat* as the implementing agency, the Watershed Committee was more powerful in deciding the type of schemes to be implemented.

Thus, the transfer of the responsibility of implementation from an NGO to the elected *panchayat* had a major democratising influence on the running of the WGDS. With the transfer of the scheme to the *panchayat*, the PDS lost the control it had over the implementation of the WGDS, which included the supply of significant material benefits to farmers. Before 2001, the appropriation of the scheme by the Catholic Church, given its exclusive membership structure, had rendered the implementation of the scheme largely undemocratic. The Catholic Church had used its religion-based social networks in the region to implement the scheme, and had also used the scheme to build on and strengthen these networks. The entry of the *panchayat* as the implementing agency implied a loss of opportunity for the Catholic Church to continue this process of network-building through the supply of development benefits. In other words, the entry of the *panchayat* represented a rupture – albeit limited – in the existing dynamics of exclusive social networking in Upputhara.

(b) The provision of micro-credit

A similar phenomenon could be noted in the case of our second illustration, the provision of micro-credit through self-help groups (SHGs). In Kerala, the model of micro-credit provision is significantly different from that in other Indian states; a far larger role is envisaged for public institutions in the activities of SHGs under the decentralisation programme. This is because the activities of SHGs are linked with the planning process of *panchayats*.

The growth of SHGs across Kerala in the 1990s, especially among women, was in part a response to the micro-credit movement that was spreading across the developing world. The emergence of SHGs was also due to the focus given to gender justice in the PPC. There were special efforts to increase the participation of women in *grama sabhas*, and to promote women SHGs. It was mandated that every project should have a gender impact statement. Besides, 10% of the plan funds of each *panchayat* were to be earmarked for projects which would have women as the direct beneficiaries and which

would be managed by women. This constituted the Women Component Plan (WCP) of the *panchayats*.

Thus, while the formation of SHGs was encouraged as part of the PPC, there were also independent SHGs already active in Upputhara *panchayat* when the PPC was initiated. These SHGs had been formed, in the main, by the Catholic Church. The Catholic Church, through its front organisations like the PDS, had begun to form SHGs from the early 1990s. Once the PPC was initiated, other religion- and caste-based organisations (like the SNDP) also entered the sphere and began to form SHGs for members of each religion/ caste.

Under the PPC, the efforts were aimed at (a) transforming SHGs into non-exclusivist groups in which people from all religions and castes participate together; and (b) bringing all SHGs under the decentralised planning framework. All SHGs were encouraged to register with the *panchayat* under a government scheme called *Kudumbasree*. For many WCP projects, SHGs were seen as the appropriate organisational structure for implementation. *Panchayat*- and ward-level committees were set up to oversee the functioning of the registered SHGs. Unlike NGOs, these SHGs were to have no federating structures above the local *panchayat*. The transition from providing micro-credit to fostering micro-enterprises was to be integrated and supported by local plans of *panchayats*. Special promotional funds were also made available from *panchayats* to eligible SHGs apart from loans from public banks.

At the time of our fieldwork in 2004, there were 50 SHGs operating in Ward 8 of Upputhara *panchayat*. The total membership in these SHGs was 664, with an average of 13 members in each group (Table 2). In other words, 35% of the population of Ward 8 were members of at least one SHG. Out of the 50 SHGs, 37 were exclusively made up of women.

The presence of a social grouping with a membership of 35% of the local population in any organisation is a significant phenomenon in itself. This mass of people and their resources should be pooled together in the most efficient manner possible. Democratic decentralisation and planning in Kerala offered such a possibility. About 70% of all SHGs were registered with the *Kudumbasree* scheme of the *panchayat*, thus integrating themselves with the planning process of the local bodies.

Table 2

Registration type	Number of SHGs	Share of number of SHGs (%)	Number of members	Share of number of members (%)
Kudumbasree and VIKAS	20	40.0	265	39.9
Kudumbasree	13	26.0	173	26.1
SNDP Yogam	5	10.0	66	9.9
PDS	8	16.0	103	15.5
Kudumbasree and TSSS	2	4.0	28	4.2
TSSS	2	4.0	29	4.4
Total	50	100.0	664	100.0

Number of SHGs in Ward 8, Upputhara *panchayat*, and details of membership (2005).

Source: Census survey of SHGs, 2005.

Note: PDS – Peermade Development Society; SNDP Yogam – Sree Narayana Dharma Paripalana Yogam; TSSS – Thiruvalla Social Service Society.

As the data in Table 2 indicate, more than a quarter of the SHGs and their members were not registered with Upputhara *panchayat* and chose to remain isolated from the democratic planning exercise. All of these SHGs were controlled by large NGOs. SHGs working under NGOs are free to join the *Kudumbasree* network and function autonomously. However, many NGOs chose to dissociate themselves from the *Kudumbasree* network. Predominant among these NGOs were the PDS and the SNDP.

The case of SHGs controlled by NGOs and *panchayats* presents a similar analytical issue as in our above example of the watershed scheme. It is clear that the regulation of SHGs by *panchayats* was a necessary step towards their democratisation as well as efficient integration into the larger development framework. For this purpose, all SHGs had to be brought under one broad umbrella. However, this policy would then have limited the control of religious and caste organisations over SHGs. For the Catholic Church, the issue was whether to give up control over an instrument of exclusive social networking that it had had access to for many years. For other organisations like the SNDP, which began SHG formation after the introduction of the PPC, the issue was slightly different: given the popularity that the SHG movement enjoyed, how can the SNDP enter into, and participate in, this arena and create its own spheres of influence and control outside the realm of state regulation?

Our illustrations from Upputhara take us to two broad conclusions. Firstly, the deepening of democracy in Upputhara was aimed at strengthening class- and mass-based associational networks. This necessitated a weakening of existing 'undemocratic' associational networks. What was important about these networks, and for appraising them, was not their density as such, but the extent to which they furthered democratisation and tackled issues of power relations, and the ways in which they were structured to politically advance the demands of the weak.

Secondly, for increased democratisation in the functioning of *panchayats* and for increased participation in *panchayat* assemblies, the activities of all actors (including civil society actors) in the local arena have to be integrated. While it is true that the usefulness of civil society-based actions may have been underestimated earlier, the problem with this fashionable idea of recent years is that it is much in line with the ideas of economic globalisation and liberalisation. We believe that *the state needs to remain accountable with respect to satisfying the basic needs of the people*. Development prospects in less-developed countries are critically linked not only to the continuing role of the state in undertaking investment, regulation of the economy and preservation of institutions of public welfare, but also to the facilitation of increased democratisation in decision-making. Democratic planning and governance in large societies marked by social and cultural diversity is too complex and big a task to be left only to social movements or non-governmental groups. In fact, increased democratisation demands a constructive role from civil society actors in bringing people closer to democratically elected bodies like *panchayats*.

Endnotes

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³ This definition is provided by The Centre for Civil Society, London School of Economics (LSE). See LSE (2004).

⁴ To give the complete quote from Marx:

Where, then, is the positive possibility of a German emancipation?

Answer: In the formulation of a class with radical chains, a class of civil society which is not a class of civil society, an estate which is the dissolution of all estates, a sphere which has a universal character by its universal suffering and claims no particular right because no particular wrong, but wrong generally, is perpetuated against it; which can invoke no historical, but only human, title; which does not stand in any one-sided antithesis to the consequences but in all-round antithesis to the premises of German statehood; a sphere, finally, which cannot emancipate itself without emancipating itself from all other spheres of society and thereby emancipating all other spheres of society, which, in a word, is the complete loss of man and hence can win itself only through the complete re-winning of man. (Introduction to A Contribution to the Critique of Hegel's Philosophy of Right; Marx 1843)

⁵ We are not entering into the debate on whether Gramsci and Marx differed on the conceptualisation of civil society as part of the base or the superstructure (see Kaviraj 2006). That debate is a bit redundant here, for the reason that we only attempt to highlight certain features of the conceptualisation of civil society in Hegel, Marx and Gramsci in opposition to the more fashionable approaches today (see below for a discussion).

⁶ As Emir Sader (2002) argued, the exclusion of political parties is a problematic idea *not only because it means rejecting a potential weapon in a radically unequal contest but also, and more importantly, because the movement thus distances itself from the themes of power, the state, public sphere, political leadership and even, in a sense, from ideological struggle (...) The result of this exclusion of parties and state, if pushed through, would severely limit the formulation of any alternatives to neoliberalism, confining such aspirations to a local or sectoral context – the non governmental organisations (NGOs) mantra, 'Think global, act local'; proposals for fair trade; 'ecologically sustainable development' – while giving up any attempt to build an alternative hegemony.* (p 92)

⁷ Available at http://bnarchives.yorku.ca/105/01/040101_Tzfadia_Review_of_GPEofISR.pdf.

⁸ Singh (2005) notes that in the 1990s, the United States Agency for International Development (USAID) funded 60 'local governance' initiatives while the United Nations Development Programme (UNDP) funded more than 250 'decentralisation' projects. According to him, "in the name of decentralisation and local self-governance, essential developmental tasks and social responsibilities of the state are being handed over to cash-starved, non-transparent, unaccountable NGOs and local bodies without examining their performance and capacity to deliver (...) [T]he welfare functions of the nation-state are (...) being weakened from below in the guise of decentralisation" (p 121).

⁹ Upputhara *panchayat* is situated in the southern part of Idukki district. In 2001, 7002 households resided in the *panchayat* with a total population of 28,953. Members of scheduled caste households formed about 15% of the population in 2001. A large section of the population in the *panchayat* was Christian. Given the large population of the *panchayat*, we decided to select one ward within the *panchayat* for our study. There are 15 wards in the *panchayat*. The ward selected for study was Mattuthaavalam, which was officially 'Ward 8' of Upputhara *panchayat*. A sample equivalent to 20% of the population was surveyed.

¹⁰ The changed situation represented the fruition of a vision that E. M. S. Namboodiripad had outlined in 1958: That the people should contact the state and the state should contact the people through *panchayats*.

¹¹ While the Government of India contributes 80% of the financial requirements of the Western Ghat Development Scheme (WGDS), 10% is contributed by the *panchayat* and 10% is mobilised from the beneficiaries.

¹² The Western Ghat region is a long mountainous stretch in the western and southern parts of India that extends to about 1600 km in length and 80 to 100 km in width. It includes regions in the states of Maharashtra, Karnataka, Goa, Tamil Nadu and Kerala. In 1991, a population of about 49 million resided in this stretch.

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‘Decentralisation’ has become a key ingredient of contemporary development policy. Its basic idea is convincingly simple: Hand over, or give back, power of decision-making from the central state to people organised at local levels. A number of programmes and projects are thus working on translating these thoughts into concrete practice. However, theory and everyday practice of decentralisation differ.

This book brings together eight coordinated case studies that focus on *how decentralisation actually works* (especially concerning natural resource governance) in Latin America (Bolivia, Mexico, Argentina) and South Asia (India, Nepal, Pakistan). They illustrate how well-intended, but generally top-down driven decentralisation initiatives aiming at taken-for-granted effects on empowering democratic decision-making, lead to the emergence of heterogeneous and often unexpected dynamics – so different from the initial policy intentions.

These ‘ground realities’ are read through contemporary social science discourses, highlighting that decentralisation is not primarily a managerial issue of improving governance procedures, but that it is inherently and deeply political, influenced by interests and agency, and thus contingent in its outcomes. This reveals a challenging dilemma: though intended to give local realities more room, actual decentralisation programmes often follow blueprints, which then encounter “local complexities”. These complexities encompass already ongoing contestations among social groups, conflicting expectations upon, and interpretations of, the meaning of decentralisation, and often a strategic handling of decentralisation as a new resource to be tapped. However, complexities are not limited to the local sphere. In many instances, various decentralisation programmes compete with each other, often in a non-coordinated manner.

In an innovative way, the book shows that, because of this dilemma, decentralisation can trigger the creation of new social arenas in which very basic notions of citizenship, state and the principles through which they interact are re-negotiated. These new arenas offer opportunities, but also bear risks. The huge challenge for decentralisation, therefore, is to navigate the thin line between the creation of inclusive room for local political participation, and the risk of fuelling social exclusion by the very intention of re-distributing power.